

Ordinance # 64

ORDINANCE FOR THE BENNER TOWNSHIP PLANNING COMMISSION

An ordinance signifying the intention and desire of the Board of Supervisors of the Township of Benner, Centre County, Pennsylvania, to acknowledge the existence of the Planning Commission under the provisions of the Pennsylvania Municipalities Planning Code (MPC), Act 247 of July 31, 1968, as reenacted and amended, for the purpose of preparing and maintaining a plan for the coordinated development of the Township of Benner, Centre County, based on physical, social, economic, and governmental conditions and trends, and to provide for and protect the general welfare and prosperity of its residents.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Benner of Centre County, Pennsylvania.

ARTICLE I: RECITAL

This Ordinance is being enacted to acknowledge the existence of a standing seven member Planning Commission, which has functioned in the Township of Benner since 1968. Whereas the Benner Township Planning Commission came to be following the formation of the Inter-Valley Planning Commission, and whereas minutes of the Benner Township Planning Commission were maintained as early as 1968, and whereas no ordinance has been located which established a Planning Commission for the Township of Benner.

ARTICLE II: ACKNOWLEDGMENT

That the Board of Supervisors of the Municipality of Benner Township, Centre County, Pennsylvania hereby acknowledges the existence of a Planning Commission under the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of July 1968 as reenacted and amended.

ARTICLE III. MEMBERSHIP

Section 1. Number of Members — Membership has and shall consist of seven persons to be appointed by the Board of Supervisors, all of whom are to be citizens of the Township of Benner. Each member shall be entitled to one vote.

Section 2. Term of Office — The term of office of members shall be four years or until a successor is appointed. The terms of the members shall be staggered so that no more than two members shall be appointed or reappointed in a calendar year.

Section 3. Vacancies — In the event of vacancies, the Board of Supervisors shall appoint a member to fill the unexpired term. Members whose terms have expired shall hold office until their successors have been appointed. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this article.

Section 4. Increase or Reduce Commission Membership — Should the Board of Supervisors determine to increase the number of members of an existing planning commission, the additional members shall be appointed as provided in this article. If the Board of Supervisors shall determine to reduce the number of members on any existing planning commission, such reduction shall be effectuated by allowing members terms to expire and by making no new appointments to fill the vacancy. Any reduction or increase shall be by ordinance.

ARTICLE IV. OFFICERS

Section 1. Titles — The officers of the Planning Commission shall consist of a Chairperson, Vice-Chairperson, and Secretary.

Section 2. Chairperson — The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall keep track of the terms of Commission members, and notify the Board of Supervisors of any vacancies occurring on the Commission due to term expiration or resignation.

Section 3. Vice-Chairperson — The Vice-Chairperson shall act for the Chairperson in his or her absence.

Section 4. Secretary — The Secretary shall draft all correspondence between the Commission and the Board of Supervisors.

The Secretary shall ensure that proper minutes and agendas of each meeting are recorded and maintained in the Township Planning Commission minute book, with assistance of available staff.

The Secretary shall ensure proper and legal notice of hearings, and attend to correspondence of the Commission, with the assistance of the Township Secretary and available staff.

The Secretary shall keep a full record of Planning Commission business, and shall annually make a written report to the Board of Supervisors by March 1. This report will include, but not be limited to:

- Commission members attendance records
- Number of Meetings canceled
- Number of meetings lacking a quorum

- Number of plans approved by the Commission
- Any ordinances passed.

ARTICLE V. ELECTION OF OFFICERS

Section 1. Organizational Meeting — An annual organizational meeting shall be held during the first regular meeting of the year, for nomination and election of officers and setting of meeting dates.

Section 2. Nominations — Nominations shall be made from the floor and election of the officers shall follow immediately thereafter.

Section 3. Election — A candidate receiving a majority vote of the Planning Commission quorum shall be declared elected, and shall serve one year or until his or her successor shall take office.

Section 4. Vacancies — Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE VI. POWERS AND DUTIES

Section 1. Requirements — At the request of the Board of Supervisor, under the authority of MPC Section 209.1 as amended, the Planning Commission shall have the power and shall be required to:

1. Prepare the comprehensive plan for the development of the municipality as set forth in this act, and present it for the consideration of the Board of Supervisors.
2. Maintain and keep on file records of its actions. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.

Section 2. Requests — The Planning Commission at the request of the Board of Supervisors may:

1. Make recommendations to the Board concerning the adoption or amendment of an official map.
2. Prepare and present to the Board a zoning ordinance, and make recommendations to the Board on proposed amendments to it as set forth in this Act.
3. Prepare, recommend, and administer subdivision and land development, and planned residential development regulations, as set forth in this Act.
4. Prepare and present to the Board a building code and a housing code and make recommendations concerning proposed amendments thereto.
5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this Act.
6. Prepare and present to the Board an environmental study.
7. Submit to the Board a recommended capital improvements program.

8. Prepare and present to the Board a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
9. Promote public interest in and understanding of, the comprehensive plan and planning.
10. Make recommendations to governmental, civic, and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
11. Hold public hearings and meetings.
12. Present testimony before any board.
13. Require from other departments and agencies of the municipality such available information as relates to the work of the planning agency.
14. In the performance of its functions, enter upon any land to make examinations and land surveys with the consent of the owner.
15. Prepare and present to the Board a study regarding the feasibility and practicality of using renewable energy sources in a specific area within the municipality.
16. Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.

ARTICLE VII. MEETINGS

Section 1. Schedule — Meetings will be held at least twice month at the Benner Township Municipal Building on dates and times determined by Commission members during the annual organizational meeting. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting.

Section 2. Quorum — A quorum shall consist of four members of the Commission. The number of votes necessary to transact business shall be four. If a roll call vote is requested, a record of the roll call vote shall be kept as a part of the minutes.

Section 3. Special Meetings — Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting when requested to do so by a majority of members of the Commission. All meetings must be preceded by notice to the public, at least twenty-four hours in advance.

Section 4. Open to the Public — All meetings or portions of meetings at which official action is taken shall be open to the general public.

Section 5. Parliamentary Procedure — Unless otherwise specified, *Robert's Rules of Order* shall govern the proceedings at the meetings of this Commission.

ARTICLE VIII. ORDER OF BUSINESS

Section 1. Order of Business — The order of business at regular meetings shall be:

- a. Call to Order
- b. Action on minutes of previous meetings
- c. Persons to Address the Board
- d. Old Business
- e. New Business
- f. Correspondence
- g. Notes
- h. Adjournment

Section 2. Motions — A motion from the floor must be made and passed in order to dispense with any item on the agenda.

ARTICLE IX. HEARINGS

Section 1. In the Public Interest — In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Advertise Public Hearings — Notice of the time and place of such hearings, when on matters of widespread interest, shall be published once a week for two successive weeks in at least one newspaper of general circulation in the territorial jurisdiction of the Commission, not earlier than 30 days and not less than 7 days from the hearing, or, as otherwise required by the Pennsylvania Municipalities Planning Code, as amended. For matters of limited territorial interest, notice shall be given in such a manner as is deemed appropriate by the Commission.

Section 3. Presentation by Commission Member — The matter before the Commission shall be presented in summary by a member of the Commission designated by the Chairperson, and parties in interest shall have the privilege of the floor.

Section 4. Record of Speakers — The Secretary shall keep a record of those speaking before the commission at such hearings.

ARTICLE X. ADMINISTRATIVE AND TECHNICAL ASSISTANCE

The Board of Supervisors may employ administrative and technical services to aid in carrying out the provisions of this Ordinance either as consultants on particular matters or as regular employees of the Township. A county planning agency, with the consent of the Board of Supervisors, may perform planning services for any municipality whose governing body requests such assistance and may enter into agreements or contracts for such work.

ARTICLE XI. ASSISTANCE

The Planning Commission may, with the consent of the Board of Supervisors, accept and use any funds, personnel, or other assistance made available by the county, the Commonwealth, or the federal government, or any of their agencies, or from private sources. The Board of Supervisors may enter into agreements or contracts regarding the acceptance or utilization of the funds or assistance in accordance with the governmental procedures of the municipality.

ARTICLE XII. AMENDMENTS

This Ordinance may be recommended to be amended by a majority vote of the entire membership of the Planning Commission, with the concurrence of the Board of Supervisors. Such amendment shall be adopted by Ordinance by the Board of Supervisors.

ARTICLE XIII. REPEALER

All other resolutions and ordinances or parts thereof, inconsistent herewith, are hereby repealed.

ARTICLE XIV. ENACTMENT

Duly presented and ordained and enacted at a regular meeting of the Board of Supervisors of Benner Township, Centre County, Pennsylvania held the 15th day of May, 1995.

TOWNSHIP SEAL

Board of Supervisors of Benner Township

By: _____
Michael R. Kelleher, Chairperson

Richard C. Lahr, Vice Chairperson

Helen M. Alters, Supervisor

ATTEST:

Sharon Royer, Secretary