

ORDINANCE No. 83

AN ORDINANCE AUTHORIZING THE CREATION OF THE NITTANY VALLEY JOINT PLANNING COMMISSION

The Benner Township Board of Supervisors of Benner Township hereby adopts an ordinance establishing the Nittany Valley Joint Planning Commission as follows:

Section 1. Creation, Membership, and Terms

Benner Township hereby joins with the municipalities of Bellefonte Borough, Benner Township, Marion Township, Spring Township, and Walker Township to create the Nittany Valley Joint Planning Commission as per the guidelines set forth under Article XI of the Pennsylvania Municipalities Planning Code, Fifteenth Edition of Act 247 as amended January 2001. Each participating municipality shall appoint two members. The term of each member shall be two years.

Section 2. Purpose

The five municipalities of the Bellefonte Area have come to recognize that the issues associated with growth and development, such as, but not limited to, traffic congestion, air and water pollution, and loss of open space, are too large for any one municipality to deal with. They further recognize that current growth, and anticipated growth, if not properly managed will lead to the diminution of the region's quality of life. They are concerned that current zoning requirements which call for each and every municipality to provide for a full range of uses, regardless of historic development patterns, is inefficient and potentially destructive to the region's economic and social structure.

To this end, the five municipalities of the Bellefonte Area hereby embark on a course of action to implement multi-municipal planning. Benner Township empowers the Nittany Valley Joint Planning Commission to undertake the development of a Multi-Municipal Comprehensive Plan that shall encompass the five municipalities of the Bellefonte Area.

Section 3. Powers and Duties

The Nittany Valley Joint Planning Commission shall have the responsibility to prepare a Multi-Municipal Comprehensive Plan for the five participating municipalities of the Bellefonte Area. To this end, the powers and duties of the Commission are as follows:

- A. To prepare a Multi-Municipal Comprehensive Plan pursuant to Article XI of the Pennsylvania Municipalities Planning Code
- B. That in the preparation of the Multi-Municipal Comprehensive Plan, the members of the Commission shall represent the interest of their respective municipalities, and may cast one vote per municipality on all matters that require action.
- C. The recommendation of the Commission shall be advisory only.
- D. The municipalities may extend the power and duties of the Joint Planning Commission by resolution of all participating municipalities.
- E. The Commission shall be guided by the By-Laws of the Nittany Valley Joint Planning Commission "Attachment #1."

Section 4. Withdrawal

Any participating municipality may withdraw from the Nittany Valley Joint Planning Commission after six months formal notice. Formal notice must be submitted in writing with the consent of the respective governing body authorizing withdrawal from the Joint Planning Commission. Upon receiving notice that a municipality wishes to withdraw from the Joint Planning Commission, the governing bodies of the remaining municipalities shall promptly schedule a meeting to consider whether the remaining municipalities wish to continue with the Joint Planning Commission. Municipalities who choose to withdraw shall still be responsible for their share of costs for the six (6) month formal notice period.

Section 5. Dispute Resolution

In instances where a dispute arises between two or more municipalities as to the contents of the multi-municipal comprehensive plan or the interpretation of this ordinance, the Joint Planning Commission may retain the services of the Centre County Planning Commission or any other organization that specializes in mediation. The parties involved in the dispute shall be responsible for any costs incurred for mediation.

Section 6. Severability

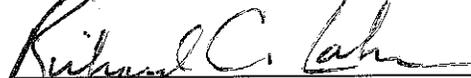
The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of this Board that this Ordinance would have still been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 7. Effective Date

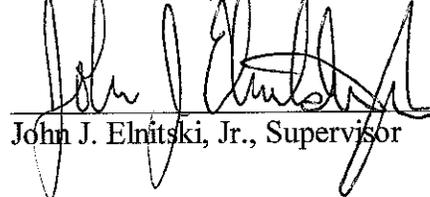
This Ordinance shall be effective five (5) days after its enactment by all the participating municipalities.

ORDAINED AND ENACTED by the Board of Supervisors of Benner Township, Centre County, Pennsylvania, this 7th day of October, 2002.

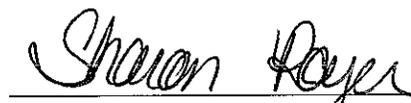
TOWNSHIP OF BENNER


Richard C. Lahr, Chairman


David C. Breon, Vice Chairman


John J. Elnitski, Jr., Supervisor

ATTEST:


Sharon Royer, Secretary/Treasurer