

# WHITPAIN TOWNSHIP

ORDINANCE NO. 397

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AN ORDINANCE OF THE TOWNSHIP OF WHITPAIN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE WHITPAIN TOWNSHIP CODE OF ORDINANCES AT CHAPTER 37 TO PROVIDE FOR THE CREATION OF THE WHITPAIN TOWNSHIP ENVIRONMENTAL ADVISORY COUNCIL

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## CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 397



Roman M. Pronczak, P.E., Township Manager

June 22, 2022

ENACTED: 6/21/22

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**WHEREAS**, The Board of Supervisors of Whitpain Township, Montgomery County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Township to be advised as to: environmental issues within the Township; the protection and preservation of natural resources within the Township; possible uses of open land in the Township; the creation of inventories of natural areas with unique feature within the Township; and

**WHEREAS**, Section 1506 of the Second-Class Township Code, 53 P.S. § 66506, entitled "General Powers," authorizes the Board of Township Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township; and

**WHEREAS**, 53 Pa.C.S.A. § 2321, et seq., authorizes the governing body of any municipality to establish, by ordinance, an Environmental Advisory Council to advise other local government agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources including air, land and water resources, located within its territorial limits.

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of Whitpain Township, as follows:

**SECTION 1. Creation of Chapter 37.**

§ 37-1. Purpose and Scope.

The purpose of the Environmental Advisory Council is to advise the Township Board of Supervisors on matters dealing with protection, conservation, management and use of natural resources, including air, tree, land and water resources located within the limits of Whitpain Township, to assist in the ongoing efforts of the Board of Supervisors to preserve open space within the Township, and to help educate residents of Whitpain Township about the importance of environmental protection.

§ 37-2. Establishment.

Pursuant to the authority set forth under 53 Pa.C.S.A. § 2321, et seq., there is hereby established an Environmental Advisory Council for the Township of Whitpain, which shall be known as the "Whitpain Township Environmental Advisory Council."

§ 37-3. Composition; Terms; Vacancies.

- A. All Environmental Advisory Council members shall be residents of Whitpain Township appointed by the Board of Supervisors of Whitpain Township.
- B. Whenever possible, one (1) member shall also be a member of the Whitpain Township Planning Commission.
- C. Environmental Advisory Council members' terms of office shall expire on the first Monday in January following the last year of their term of office.
- D. The Environmental Advisory Council shall consist of five (5) members serving overlapping three-year terms. Initial appointments shall be staggered so that the terms of approximately 1/3 of the Environmental Advisory Council shall expire each year, as follows:
  - (1) One (1) member shall be initially appointed to a one (1) year term;
  - (2) Two (2) members shall be initially appointed to a two (2) year term;
  - (3) Two (2) members shall be initially appointed to a three (3) year term.
- E. Should a vacancy occur, the Board of Supervisors shall appoint a member to fill the vacancy only for the unexpired portion of the term.
- F. One (1) member of the Board of Supervisors may serve as a liaison to the Environmental Advisory Council, but shall not be considered an official member of the Environmental Advisory Council.
- G. Members of the Environmental Advisory Council should, but are not required to, have experience in the areas of planning, environmental science, public policy, development, conservation, or related fields, where feasible.
- H. The Environmental Advisory Council may establish committees comprised of volunteers to assist in the execution of the Environmental Advisory Council's Powers and Duties, as defined herein. Committee members shall not serve as members of the Environmental Advisory Council but may act as a resource for Environmental Advisory Council members. Committees shall be administered and supervised by at least one (1) Environmental Advisory Council member.

§ 37-4. Organization.

- A. The Environmental Advisory Council members first appointed shall organize within twenty (20) days of their appointment.
- B. The Board of Supervisors shall designate the Chair of the Environmental Advisory Council. The term of Chair shall expire on the first meeting of the Environmental Advisory Council in an even-numbered year.
- C. The Environmental Advisory Council shall elect one (1) member as Vice-Chair of the Environmental Advisory Council and one (1) member as Secretary.
- D. The Environmental Advisory Council may appoint other officers and may designate a person to act on behalf of the designated Chair in their absence, and it may make and alter bylaws and rules and regulations to cover its procedures consistent with the ordinances of Whitpain Township and the laws of the Commonwealth of Pennsylvania.
- E. The Environmental Advisory Council shall reorganize at its first meeting in even-numbered years.
- F. A majority of the sitting members shall constitute a quorum, and all business shall be transacted by a majority of the quorum present.

§ 37-5. Advisory.

- A. The Environmental Advisory Council is to be advisory to the Board of Supervisors. The Board of Supervisors confers no independent authority on the Environmental Advisory Council. The Environmental Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon the municipality or other Commonwealth agency.
- B. The Environmental Advisory Council shall coordinate its activities regarding pre-existing environmental programs with elected officials, the Whitpain Township Planning Commission, Park and Open Space Board, Shade Tree Commission, Sustainability Coordinator, Wissahickon Trails, Friends of Wissahickon, other nearby Environmental Advisory Councils, and any other similar organization or entity sharing a common mission or purpose.

§ 37-6. Powers and Duties

The Environmental Advisory Council shall have the following advisory powers and duties:

- A. Identify environmental problems.

- B. Recommend plans and programs to the appropriate body or agency for the promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within the territorial limits of the Township.
- C. Make recommendations as to the possible selection, acquisition, and use of open space in the Township.
- D. Promote community environmental programs and education.
- E. Develop and maintain an index of all open areas, publicly or privately owned, including, but not limited to, flood-prone areas, swamps, and other unique natural areas, for the purpose of obtaining information on the proper use of such areas.
- F. Advise the appropriate Township body in the acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise, or lease in matters consistent with the purpose for which the Council is created.
- G. Advise the Board of Supervisors upon issues of energy conservation.
- H. Administer such environmental tasks as requested by the Board of Supervisors of Whitpain Township.

§ 37-7. Overlap in jurisdiction.

Nothing herein shall be construed as abolishing or limiting any existing Township agency, Board, authority or Commission even though such agency, Board, authority or Commission may have a responsibility to the responsibilities delegated to the Environmental Advisory Council herein; provided, however, that should there occur any overlap in jurisdiction between or amongst any existing Township agency, Board, authority or Commission and the Environmental Advisory Council with respect to any matter or question, then such matter or question shall be referred to the Board of Supervisors for delegation to the appropriate entity.

§ 37-8. Meetings and reports.

- A. The Environmental Advisory Council shall meet as necessary, or as otherwise directed by the Board of Supervisors, at a time determined by its members.
- B. The Environmental Advisory Council shall keep records of its meetings and activities, which shall be made publicly available.
- C. Minutes of each meeting of the Environmental Advisory Council shall be forwarded to the Board of Supervisors.

- D. The Environmental Advisory Council shall make an annual report to the Board of Supervisors, which shall be publicly available.

§ 37-9. Appropriations.

- A. The Board of Supervisors may appropriate funds for the expenses incurred by the Environmental Advisory Council for such administrative, clerical, printing, and legal services as may be required in the exercise of the aforesaid advisory powers and duties.
- B. The Environmental Advisory Council may not contract separately for professional or vendor services but shall have access to Township professional services with the approval of the Township Manager.
- C. The Environmental Advisory Council must obtain the approval of the Township Manager prior to the expenditure of any funds.

§ 37-10. Compensation.

Members of Environmental Advisory Council shall receive no compensation for their services, but they may be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties, provided that the expenses have the prior approval of the Board of Supervisors.

**SECTION 2. Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

**SECTION 3. Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 4. Effective Date.**

This Ordinance shall become effective five (5) days after enactment.

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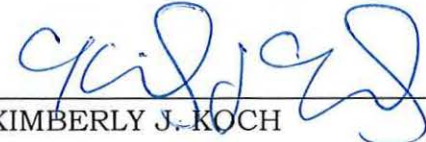
**ORDAINED AND ENACTED** this 1<sup>st</sup> day of June 2022, by the  
Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP  
BOARD OF SUPERVISORS**

[Seal]

Attested by:

  
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JEFFREY CAMPOLONGO  
Secretary

  
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KIMBERLY J. KOCH  
Chair