

WHITPAIN TOWNSHIP

ORDINANCE NO. 4-266

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], CHAPTER 160 [ZONING], BY AMENDING AND RESTATING ARTICLE XXXI [ZONING HEARING BOARD] TO PROVIDE FOR ALTERNATE MEMBERS OF THE ZONING HEARING BOARD

CERTIFICATION

I, ERIC TRAUB, 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. 4-266.



Eric Traub, Township Manager
October 16, 2024

ENACTED: 10/16/2024

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WHEREAS, the Board of Supervisors of Whitpain Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Whitpain Township;

WHEREAS, the Board of Supervisors of Whitpain Township has adopted a comprehensive zoning ordinance, known as the Whitpain Township Zoning Ordinance of 1950, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Whitpain Township;

WHEREAS, Section 903 of the Municipalities Planning Code, 53 P.S. § 10903(b), authorizes the Board of Supervisors to provide for alternate members of the Zoning Hearing Board and establish terms of office and other requirements; and

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Whitpain Township Zoning Ordinance of 1950, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, the Board of Supervisors of Whitpain Township have determined that such amendments to the Whitpain Township Zoning Ordinance of 1950, as amended, are required to establish provisions for alternate members of the Zoning Hearing Board.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1. **Amendment to Chapter 160 [Zoning], Article XXXI [Zoning Hearing Board], Section 236 [Appointment; Membership; Terms], to add provisions for alternate members of the Zoning Hearing Board.**

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 160 [Zoning], Article XXXI [Zoning Hearing Board], Section 236 [Appointment; Membership; Terms] is hereby restated and amended as follows:

§ 160-236 Appointment; membership; terms.

A. Members of the Zoning Hearing Board.

- (1) The Zoning Hearing Board shall consist of five (5) members appointed by Resolution of the Board of Supervisors.
- (2) The term of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire as of December 31st of each year.
- (3) The Zoning Hearing Board shall notify the Board of Supervisors of any vacancies which occur.
- (4) Appointments to fill vacancies shall be only for the unexpired portion of the term.
- (5) Members of the Zoning Hearing Board shall hold no other elected or appointed office in Whitpain Township nor shall any member be an employee of Whitpain Township.

B. Alternate Members of the Zoning Hearing Board.

- (1) The Board of Supervisors may appoint by Resolution up to three (3) residents of Whitpain Township to serve as alternate members of the Zoning Hearing Board.
- (2) The term of office shall be three (3) years and shall be so fixed that the term of office shall expire as of December 31st.

- (3) Alternate members shall hold no other elected or appointed office in Whitpain Township nor shall any alternate member be an employee of Whitpain Township.
- (4) If, by reason of absence or disqualification of a member, the Chair of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit as voting members of the Zoning Hearing Board in a number, at minimum, to provide a quorum. An alternate member so designated shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the full extent of any Zoning Hearing Board member, as provided by law. Any alternate member shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate member was initially designated until a final determination is made for the matter or case.
- (5) Any alternate member may participate in an proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote nor be compensated unless designated as a voting member as provided herein.

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 affect, and for this reason the provisions of this Ordinance shall be severable.

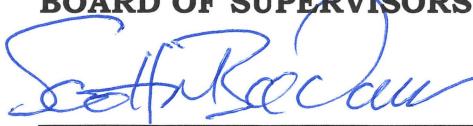
SECTION 4. Effective Date

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

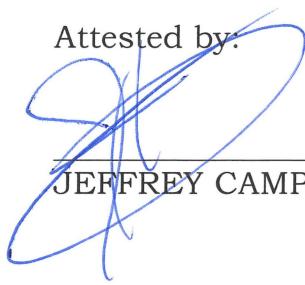
ORDAINED AND ENACTED this 5th day of October 2024, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

[Seal]


SCOTT M. BADAMI, Chair

Attested by:



JEFFREY CAMPOLONGO, Secretary