

WHITPAIN TOWNSHIP

ORDINANCE NO. 431

AN ORDINANCE AMENDING THE CODE OF WHITPAIN AT PART I [ADMINISTRATIVE LEGISLATION], BY AMENDING CHAPTER 37 [ENVIRONMENTAL ADVISORY COUNCIL] TO ESTABLISH ALTERNATE MEMBERS FOR THE ENVIRONMENTAL ADVISORY COUNCIL

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. 431.

Eric Traub, Township Manager
_____, 2026

ENACTED: _____

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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.

WHEREAS, The Whitpain Township Environmental Advisory Council has expressed, and the Whitpain Township Board of Supervisors has recognized, the need for Council flexibility to resolve temporary absences of Environmental Advisory Council members.

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

SECTION 1. Amending Section 37-3. - Composition; Terms; Vacancies.

The Code of the Township of Whitpain, Part I [Administrative Legislation], Chapter 37 [Environmental Advisory Council], Section 37-3 [Composition; Terms; Vacancies], is hereby restated and amended to add the underlined language (example) as follows:

§ 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.
- I. Alternate Members:
 - (1) The Whitpain Township Board of Supervisors may appoint Alternate Members to the Environmental Advisory Council.
 - (2) The Board of Supervisors may appoint no more than three (3) Alternate Members;

- (3) Each Alternate Member shall serve for a term of one (1) year, with each term expiring on December 31.
- (4) The Chair may designate an Alternate Member to sit on the Council to temporarily replace any absent or otherwise disqualified member to satisfy quorum. Any seated Alternate Member shall be entitled to participate fully as a member of the Council and vote on business that shall be transacted while seated.

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 immediately upon enactment.

ORDAINED AND ENACTED this _____ day of _____ 2026, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

[Seal]

Attested by:

SCOTT BADAMI
Chair

ROBERT BRUNNER
Secretary