

TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019 - 2

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA,
AMENDING ORDINANCE NUMBER 08-04 TO REDUCE THE NUMBER
OF PLANNING COMMISSION MEMBERS OF TULPEHOCKEN TOWNSHIP
TO FIVE MEMBERS**

WHEREAS, pursuant to the authority granted it by the Pennsylvania Municipalities Planning Code ("MPC") by Ordinance Number 1971 enacted on February 1, 1971, the Board of Supervisors created a Planning Commission for the Township of Tulpehocken; and

WHEREAS, per Ordinance Number 1971, the Planning Commission of Tulpehocken Township consisted of five (5) members; and

WHEREAS, by Ordinance Number 08-04 enacted on August 11, 2008, the Board of Supervisors of Tulpehocken Township amended Ordinance Number 1971 to increase the number of members of the Planning Commission from five (5) to six (6) members; and

WHEREAS, the Board of Supervisors of Tulpehocken Township desires to amend Ordinance Number 08-04 to reduce the membership of the Tulpehocken Township Planning Commission from six (6) members to five (5) members; and

WHEREAS, Section 203(d) of the MPC, 53 P.S. §10203(d), provides that any reduction in members of a municipal planning commission shall be by Ordinance of the governing body; and

WHEREAS, Section 203(d) of the MPC, 53 P.S. §10203(d), further provides that to effectuate a reduction in the number of members of a planning commission, the process shall be to allow expiration of the terms of members and not appointing members to fill the vacancy; and

WHEREAS, a member of the Tulpehocken Township Planning Commission moved out of Tulpehocken Township and resigned from the Planning Commission, resulting in a vacant position on the Planning Commission; and

WHEREAS, the Board of Supervisors of Tulpehocken Township will effectuate the reduction in members of the Planning Commission by not appointing a person to fill the vacancy of the member who resigned.

NOW, THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. Section 1 of Ordinance Number 08-04 shall be amended to read in its entirety as follows:

The Tulpehocken Township Planning Commission created and established by Ordinance Number 1971 pursuant to the Pennsylvania Municipalities Planning Code shall consist of five (5) members.

SECTION 2. Section 2 of Ordinance Number 08-04 shall be amended to read in its entirety as follows:

The five (5) members of the Tulpehocken Township Planning Commission shall be appointed by Board of Supervisors of Tulpehocken Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

SECTION 3. Section 3 of Ordinance Number 08-04 shall be amended to read in its entirety as follows:

All of the members of the Tulpehocken Township Planning Commission shall be residents of Tulpehocken Township and at least three (3) of the members of the Planning Commission designated as citizen members shall not be officers or employees of Tulpehocken in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

SECTION 4. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Tulpehocken Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. REPEAL OF ORDINANCES. Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective at the earliest date permitted by law.

SIGNATURES ON NEXT PAGE

ENACTED AND ORDAINED into an Ordinance this 13th day of February, A.D. 2019, by the Supervisors of Tulpehocken Township, Berks County, Pennsylvania in Lawful Session duly assembled.

BOARD OF SUPERVISORS OF TULPEHOCKEN
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA



By: Mary A. Dech

Chairman

Rachel A. Krumer

Member

Gene H. Feick

Member

ATTEST:

Christy Flaherty
Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2019-2 of Tulpehocken Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on February 13, 2019.

WITNESS my hand and seal this 13th day of February, 2019.

Christy Flaherty
Secretary

DATED: February 13, 2019