

ORDINANCE - 1994-06

AN ORDINANCE CREATING AND RE-ESTABLISHING A PLANNING COMMISSION, IN AND FOR THE COUNTY OF YORK, AS SUCCESSOR TO THE EXISTING PLANNING COMMISSION, DIRECTING THE APPOINTMENT OF MEMBERS, ESTABLISHING THE TERMS OF MEMBERSHIP AND SETTING FORTH THE POWERS AND DUTIES OF THE COMMISSION AND REPEALING THE PREVIOUS ORDINANCE, ENACTED DECEMBER 31, 1974.

BE IT ENACTED AND ORDAINED BY THE COUNTY COMMISSIONERS OF YORK COUNTY, PENNSYLVANIA, and it hereby is enacted and ordained by the authority of the same and pursuant to the authority of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, as re-enacted and amended.

Section 1. Creation - The **YORK COUNTY PLANNING COMMISSION** hereby is created and re-established under the authority of the **Pennsylvania Municipalities Planning Code (Act of July 31, 1968,** as re-enacted and amended), as successor to the **YORK COUNTY PLANNING COMMISSION,** operating by ordinance of the **COUNTY COMMISSIONERS OF YORK COUNTY,** passed on December 31, 1974.

Section 2. Membership - Each of the members of the **YORK COUNTY PLANNING COMMISSION** shall be appointed by the **COUNTY COMMISSIONERS OF YORK COUNTY.** The composition of the **YORK COUNTY PLANNING COMMISSION;** and the qualifications and manner of appointment of its members, shall be as follows:

- A. The Planning Commission shall consist of nine (9) members.
- B. Term of Office - The term of office shall be four (4) years, and until a successor is appointed and qualified.
- C. All of the members shall be residents of York County, Pennsylvania.
- D. At least six (6) members, to be known as "citizen members", shall not be officers or employees of the County of York.
- E. As many as three (3) of the members may be, but need not be, officers or employees of the County of York. If appointed a member, such officer or employee shall not, by reason of such membership, forfeit the right to

exercise the powers, perform the duties, or receive the compensation of The York County office, held by him or her, during such membership.

- F. Each of the following Regions shall be represented by a member who is a resident of that Region. Each such member may be a local official, elected to serve in some office in the region to be represented, but need not be an elected official. Two (2) members shall be designated to be members "at large".

Region 1 - Glen Rock Borough, Hopewell Township, Jacobus Borough, Loganville Borough, New Freedom Borough, North Hopewell Township, Railroad Borough, Seven Valleys Borough, Shrewsbury Borough, Shrewsbury Township, Springfield Township, Stewartstown Borough, Winterstown Borough.

Region 2 - Dallastown Borough, East Prospect Borough, Hallam Borough, Hellam Township, Lower Windsor Township, North York Borough, Red Lion Borough, Spring Garden Township, Springettsbury township, Windsor Borough, Windsor Township, Wrightsville Borough, Yoe Borough, York township, Yorkanna Borough.

Region 3 - Dover Borough, Dover Township, Conewago Township, East Manchester Township, Jackson township, Manchester Borough, Manchester Township, Mount Wolf Borough, New Salem Borough, North Codorus Township, Paradise Township, Spring Grove Borough, West Manchester Township, West York Borough.

Region 4 - Carroll Township, Dillsburg Borough, Fairview Township, Franklin Township, Franklintown Borough, Goldsboro Borough, Lewisberry Borough, Monaghan Township, Newberry Township, Warrington Township, Washington Township, Wellsville Borough, York Haven Borough.

Region 5 - Codorus Township, Hanover Borough, Heidelberg Township, Jefferson Borough, Manheim Township, Penn Township, West Manheim Township.

Region 6 - York City

Region 7 - Chanceford Township, Felton Borough, Cross Roads Borough, East Hopewell Township, Fawn Township, Fawn Grove Borough, Peach Bottom Township, Delta Borough, Lower Chanceford Township.

Section 3. Vacancy - When a vacancy occurs, the chairman of the Planning Commission promptly shall notify the County Commissioners of the vacancy.

- A. On the occasion of a vacancy, either by resignation or by end of term, the Planning Commission shall make a public request for potential members from each region for which a current appointment is to be made, or from the county at large, should the position be what is termed an “at large” position.
- B. When filling a regional appointment, any interested resident of said region shall submit a written application to the Planning Commission. The Planning Commission, upon review of all applications, shall submit, with recommendations, all names to the County Commissioners, for appointment.
- C. When filling an “at large” appointment, any interested resident of the County may submit a written application to the Planning Commission. The Planning Commission, upon review of all applications, shall submit, with recommendations, all names to the County Commissioners, for appointment.
- D. If a vacancy of an incumbent member of the existing **YORK COUNTY PLANNING COMMISSION** shall occur, other than by expiration of his or her term, it shall be filled by appointment for the un-expired term in a manner consistent with the provisions of this Ordinance.
- E. Otherwise, current members shall continue in office until their terms expire.
- F. Termination of qualifying residence shall terminate membership.
- G. The current members and terms are as follows:

Nancy Halliwell, Chr’n	-	Term expires 1/1/96
Edmund M. Miller, Vice-Chr’n	-	Term expires 1/1/97
H. Burnell Sprenkle, Sec.	-	Term expires 1/1/95
Rick E. Baker	-	Term expires 1/1/97
Marilu Beier	-	Term expires 1/1/97
Francis E. Lookingbill	-	Term expires 1/1/96
John J. O’Keefe	-	Term expires 1/1/95
- H. All members of the **YORK COUNTY PLANNING COMMISSION** shall serve without compensation, but shall be reimbursed for necessary and reasonable expenses.

Section 4. Powers and Duties -

- A. The **YORK COUNTY PLANNING COMMISSION**, at the request of the **COUNTY COMMISSIONERS OF YORK COUNTY**, under the authority of **MPC Section 209.1** (35 P.S. Section 10209.1) shall have the power, and shall be required, to:
1. Prepare the comprehensive plan for the development of York County, as set forth in this act, and present it for the consideration of the **COUNTY COMMISSIONERS OF YORK COUNTY**.
 2. Maintain and keep on file records of its actions. All records and files of the **YORK COUNTY PLANNING COMMISSION** shall be in the possession of the York County Commissioners.
- B. The **YORK COUNTY PLANNING COMMISSION**, at the request of the governing body, may:
1. Make recommendations to the **COUNTY COMMISSIONERS OF YORK COUNTY** concerning the adoption or amendment of an official map.
 2. Prepare and present to the **COUNTY COMMISSIONERS OF YORK COUNTY** a zoning ordinance, and make recommendations to them on proposed amendments to it, as set forth in the Pennsylvania Municipalities Planning Code.
 3. Prepare, recommend and administer subdivision and land development, and planned residential development, regulations, as set forth in the Pennsylvania Municipalities Planning Code.
 4. Prepare and present to the **COUNTY COMMISSIONERS OF YORK COUNTY** a building code and a housing code and make recommendations concerning proposed amendments thereto.
 5. Do such other acts, or make such studies, as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code.
 6. Prepare and present to the **COUNTY COMMISSIONERS OF YORK COUNTY** an environmental study.
 7. Submit to the **COUNTY COMMISSIONERS OF YORK COUNTY** a recommended capital improvements program.
 - 7.1 Prepare and present to **COUNTY COMMISSIONERS OF YORK COUNTY** a water survey, which shall be consistent with

the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.

8. Promote public interest in, and understanding of, the comprehensive plan and planning.
9. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
10. Hold public hearings and meetings.
 - 10.1 Present testimony before any board.
11. Require, from other departments and agencies of York County government, such available information as relates to the work of the **YORK COUNTY PLANNING COMMISSION**.
12. In the performance of its functions, enter upon any land to make examinations and land surveys, with the consent of the owner.
13. Prepare and present, to the **COUNTY COMMISSIONERS OF YORK COUNTY**, a study regarding the feasibility and practicability of using renewable energy sources in specific areas within York County.
14. Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.

Section 5. Extent of Authority -

- A. Assistance - The **YORK COUNTY PLANNING COMMISSION**, with the consent of the **COUNTY COMMISSIONERS OF YORK COUNTY**, may accept and utilize funds, personnel or other assistance made available by the County, the Commonwealth of Pennsylvania or the Federal Government, or any of their agencies, or from private sources. Said Board of Commissioners may enter into agreements or contracts regarding the acceptance or utilization of the funds or assistance in accord with the governmental procedures of York County, (35 P.S. Section 10211).

B. Administrative and Technical Assistance - The **YORK COUNTY PLANNING COMMISSION** may employ administrative and technical services to aid in carrying out the provisions of this act, either as consultants on particular matters, or as regular employees. The said **YORK COUNTY PLANNING COMMISSION**, with the consent of the **COUNTY COMMISSIONERS OF YORK COUNTY**, may perform planning services for any municipality whose governing body requests such assistance, and may enter into agreements or contracts for such work. (53 P.S. Section 10210).

C. The **YORK COUNTY PLANNING COMMISSION**, when requested, and as authorized, shall have authority to:

1. Accept any funds, personnel or other assistance, made available by the County of York, and utilize such funds, personnel or other assistance for the purposes for which they are provided and in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.
2. Perform planning services for any city, borough, or township, within York County, whose governing body requests such assistance, and enter into agreements or contracts for such work.
3. Review, make recommendations and give reports as to proposed zoning ordinances and subdivision and land development and planned residential development regulations and proposed amendments thereto for municipalities in York County as authorized by, and set forth in, the Pennsylvania Municipalities Planning Code.

D. The **YORK COUNTY PLANNING COMMISSION** may utilize such funds, personnel or other assistance in pursuance of the terms upon which they are made available and accepted, and in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code, and to exercise any powers of review, comment or approval imposed by the Commonwealth of Pennsylvania, or the Federal Government, or any of their agencies, as to which the **YORK COUNTY PLANNING COMMISSION** is designated as the reviewing or approving agency.

Section 6. Conduct of Business - The YORK COUNTY PLANNING COMMISSION:

- A. Shall elect its own chairman and vice-chairman and create and fill such other offices as it may determine. Officers shall serve annual terms and be eligible to succeed themselves;

- B. May make and alter by-laws and rules and regulations to govern its procedures, consistent with the ordinances of York County and the laws of the Commonwealth of Pennsylvania, and subject to the approval of the York County Commissioners.
- C. May manage its fiscal affairs, secure and maintain offices, secure personnel, and purchase necessary services, supplies and equipment, all in conjunction with the County of York and in accordance with its procedures and the requirements of the County Code, and subject to the direction of the County Commissioners.
- D. Shall keep a full record of its business and shall submit, annually, to the **COUNTY COMMISSIONERS OF YORK COUNTY**, by March 1, of the succeeding year, a written report of its activities. Interim reports may be made as often as may be necessary, or as requested by the Board of County Commissioners.
- E. Shall submit a proposed Work Schedule and a Budget, in writing, for review by the **COUNTY COMMISSIONERS OF YORK COUNTY** in considering what areas of activity, and what duties, work and projects they care to authorize or direct the **YORK COUNTY PLANNING COMMISSION** to perform, and the extent and application of any appropriation which they may make to the **YORK COUNTY PLANNING COMMISSION** toward its annual operating expenses.

Section 7. Invalidity - If any section or phrase of this Ordinance shall be found to be invalid, the remaining sections and phrases of this Ordinance shall not be affected thereby.

Section 8. Repealer - The prior ordinance, creating the York County Planning Commission, dated December 31, 1974, hereby is repealed; all other ordinances, or parts of ordinances, inconsistent herewith hereby are repealed, to the extend of such inconsistency.

Section 9. Amendment - This Ordinance may be amended, in whole or in part, at any time, by action of the **COUNTY COMMISSIONERS OF YORK COUNTY**. All changes must conform to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et seq., and as it may be amended.

Section 10. Effective Date - This Ordinance shall become effective immediately.

ENACTED AND ORDAINED at the regular meeting of the BOARD OF COUNTY COMMISSIONERS OF YORK COUNTY, Pennsylvania, this 21st day of September, 1994.

**BOARD OF COUNTY COMMISSIONERS
OF YORK COUNTY**

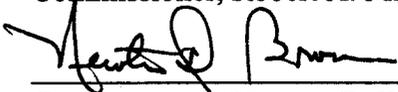
BY:



President Commissioner, George M. Trout



Commissioner, Robert A. Minnich



Commissioner, Newton D. Brown