

ORDINANCE #2002-46

**AN ORDINANCE AUTHORIZING THE CREATION OF THE
NITTANY VALLEY JOINT PLANNING COMMISSION**

The Board of Supervisors of Marion Township hereby adopts an ordinance establishing the Nittany Valley Joint Planning Commission as follows:

Section 1. Creation, Membership, and Terms

Marion Township hereby joins with the municipalities of Bellefonte Borough, Benner Township, Spring Township, and Walker Township to create the Nittany Valley Joint Planning Commission as per the guidelines set forth under Article XI of the Pennsylvania Municipalities Planning Code, Fifteenth Edition of Act 247 as amended January 2001. Each participating municipality shall appoint two members. The term of each member shall be two years.

Section 2. Purpose

The five municipalities of the Bellefonte Area have come to recognize that the issues associated with growth and development, such as, but not limited to, traffic congestion, air and water pollution, and loss of open space, are too large for any one municipality to deal with. They further recognize that current growth, and anticipated growth, if not properly managed will lead to the diminution of the region's quality of life. They are concerned that current zoning requirements which call for each and every municipality to provide for a full range of uses, regardless of historic development patterns, is inefficient and potentially destructive to the region's economic and social structure.

To this end, the five municipalities of the Bellefonte Area hereby embark on a course of action to implement multi-municipal planning. Marion Township empowers the Nittany Valley Joint Planning Commission to undertake the development of a Multi-Municipal Comprehensive Plan that shall encompass the five municipalities of the Bellefonte Area.

Section 3. Powers and Duties

The Nittany Valley Joint Planning Commission shall have the responsibility to prepare a Multi-Municipal Comprehensive Plan for the five participating municipalities of the Bellefonte Area. To this end, the powers and duties of the Commission are as follows:

- A. To prepare a Multi-Municipal Comprehensive Plan pursuant to Article XI of the Pennsylvania Municipalities Planning Code.
- B. That in the preparation of the Multi-Municipal Comprehensive Plan, the members of the Commission shall represent the interest of their respective municipalities, and may cast one vote per municipality on all matters that require action.
- C. The recommendation of the Commission shall be advisory only.
- D. The municipalities may extend the power and duties of the Joint Planning Commission by resolution of all participating municipalities.
- E. The Commission shall be guided by the By-Laws of the Nittany Valley Joint Planning Commission "Attachment #1."

Section 4. Withdrawal

Any participating municipality may withdraw from the Nittany Valley Joint Planning Commission after six months formal notice. Formal notice must be submitted in writing with the consent of the respective governing body authorizing withdrawal from the Joint Planning Commission. Upon receiving notice that a municipality wishes to withdraw from the Joint Planning Commission, the governing bodies of the remaining municipalities shall promptly schedule a meeting to consider whether the remaining municipalities wish to continue with the Joint Planning Commission. Municipalities who choose to withdraw shall still be responsible for their share of costs for the six (6) month formal notice period.

Section 5. Dispute Resolution

In instances where a dispute arises between two or more municipalities as to the contents of the multi-municipal comprehensive plan or the interpretation of this ordinance, the Joint Planning Commission may retain the services of the Centre County Planning Commission or any other organization that specializes in mediation. The parties involved in the dispute shall be responsible for any costs incurred for mediation.

Section 6. Severability

The provisions of this Ordinance are severable and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Marion Township Board of Supervisors that this Ordinance would have still been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 7. Effective Date

This Ordinance shall be effective five (5) days after its enactment by all the participating municipalities.

ORDAINED AND ENACTED by the Board of Supervisors of Marion Township, Centre County, Pennsylvania, the 10th day of September, 2002.

MARION TOWNSHIP SUPERVISORS:

**ATTACHMENT #1
BY-LAWS
THE NITTANY VALLEY JOINT PLANNING COMMISSION**

**For the Municipalities of:
Bellefonte Borough, Benner Township, Marion Township, Spring Township,
and Walker Township**

**ARTICLE I
The Nittany Valley Joint Planning Commission**

- 1.1 The name of this organization shall be the Nittany Valley Joint Planning Commission (Regional Planning Commission).

**ARTICLE II
Authorization**

- 2.1 Authorization for the establishment of the Nittany Valley Joint Planning Commission is set forth under Articles I, II, and XI of the Pennsylvania Municipalities Planning Code, Act 247, Fifteenth Edition, January 2001.

**ARTICLE III
Powers and Duties**

- 3.1 The powers and duties contained herein have been delegated to the Joint Planning Commission by the participating member governing bodies by ordinance in accordance with the above-mentioned enabling law.
- 3.2 The Joint Planning Commission shall have the responsibility to prepare The Nittany Valley Multi-Municipal Comprehensive Plan for the five (5) participating municipalities in accordance with all applicable sections of the Pennsylvania Municipalities Planning Code.
- 3.3 That in the preparation of the Multi-Municipal Comprehensive Plan, the members of the Joint Planning Commission shall represent the interests of their respective municipalities.
- 3.4 The recommendations of the Joint Planning Commission shall be advisory only.
- 3.5 The Joint Planning Commission shall not usurp the powers, duties and obligations of the individual municipal planning commissions and zoning hearing boards regarding subdivisions, land developments and zoning matters.

ARTICLE IV
Membership

- 1 The Nittany Valley Joint Planning Commission shall be comprised of the following member municipalities: Bellefonte Borough, Benner Township, Marion Township, Spring Township, and Walker Township.
- 2 Each Municipality shall appoint two representatives to the Joint Planning Commission. One member from each municipality must be from the elected governing board and the other may either be from the governing board, planning commission, or citizen from the municipality. Where there are differing opinions by members of the same municipality, the elected official shall have the final say and cast the municipal vote.
- 3 Each municipality shall have the right to send a proxy to any meeting of the Joint Planning Commission where said proxy shall have the right to cast the municipal vote on matters which come before the Commission.
- 4 Each municipality is responsible for ensuring full representation on the Joint Planning Commission and must fill any vacancy in a timely fashion.
- 5 Contiguous municipalities may apply for membership in the Nittany Valley Joint Planning Commission. This shall constitute an amendment to the By-Laws as per Article XV and may require amendments to Articles VII and XII.
- 6 Associate membership is available to those organizations whose purpose is to provide essential / life-support services to the general public. Associate members are non-voting members. Membership in this capacity shall include but not be limited to the Bellefonte Area School District, Spring Benner Walker Joint Area Authority, Spring Township Water Authority, Walker Township Water Association, The Nittany Valley Water Company and the East Nittany Valley Municipal Authority.

ARTICLE V
Terms of Office

- 1 The term of each member shall be two (2) years, although initially the terms shall be staggered with one (1) appointee serving for one year, and the second for two (2).

ARTICLE VI
Voting and Voting Rights

- 6.1 Each member municipality shall have one vote to cast on all matters that come before the Joint Planning Commission.
- 6.2 No action may be taken, or recommendation made by the Joint Planning Commission, where the resulting vote ends in a tie.
- 6.3 Although each municipality shall have two (2) representatives on the Joint Planning Commission, together they may cast only one (1) vote on behalf of their respective municipality.
- 6.4 Any vote to be considered binding must represent a majority of the participating member municipalities. A majority vote shall be considered achieved only when a minimum of three (3) votes representing three (3) municipalities have been cast either ye or nay.

ARTICLE VII
Quorum

- 7.1 A quorum of the Joint Planning Commission shall be considered achieved when there are three (3) voting members present whereby each voting member represents a separate municipality.

ARTICLE VIII
Officers

- 8.1 The officers of the Joint Planning Commission shall consist of a Chairperson, Vice-Chairperson, Treasurer and Secretary, all of whom are to serve for a term of one-year. The Chairperson, Vice-Chairperson and Treasurer shall be members of the Commission, but the Secretary need not be a member of the Commission.
- 8.2 The positions of Chairperson, Vice-Chairperson and Treasurer must be held by individuals representing three (3) different member municipalities.
- 8.3 The Secretary shall keep the minutes and records of the Joint Planning Commission, and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairperson, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Secretary.

- 8.4 The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers.

ARTICLE IX
Selection of Officers

- 9.1 At the first official meeting of the newly created Nittany Valley Joint Planning Commission, the election of officers shall be held. Officers elected at the first official meeting of the Joint Planning Commission shall serve for the remainder of the year in which they were elected and for the year after. This shall count as one year for their term of office. Subsequently, beginning with the following year, an annual organization meeting shall be held during the first regular meeting in January or at a special meeting authorized by the governing bodies.
- 9.2 Officers shall serve for a one-year term, and may succeed themselves for a second one-year term. No officer may serve in the position in which he or she was elected for more than two consecutive years.
- 9.3 Once the term for Chairperson, Vice-Chairperson, or Treasurer has expired, that position must be filled by a representative from a municipality other than the one from which the position was previously filled. No municipality may have its representative repeat as Chairperson, Vice-Chairperson or Treasurer until all the participating municipalities have been represented in that leadership position.
- 9.4 Vacancies in office shall be filled immediately by the Joint Planning Commission. The replacement shall then serve the remainder of the term.

ARTICLE X
Meetings

- 10.1 Regular meetings will be held on a mutually agreed upon day, time and place. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting.
- 10.2 All meetings or portions of meetings at which official action is taken shall be open to the general public and comply with the Sunshine Laws of Pennsylvania.

ARTICLE XI
Administration and Expenditure of Funds

- 11.1 The Joint Planning Commission may prepare an annual budget and appropriate funds for its operation.

- 11.2 The Joint Planning Commission may seek federal, state and county grants and funds to offset the cost of operation and the preparation of the comprehensive plan.
- 11.3 All budgeted and non-budgeted items shall require unanimous consent of the voting members present at the Joint Planning Commission meeting.

ARTICLE XII

Funding Formula

12.1 Each municipality shall pay a percentage of the costs incurred by the Joint Planning Commission based on their share of the population of the Nittany Valley Region as of 2000 U.S. Census, less any in kind services and grants that may be applicable

12.2 2000 U.S. Census data and municipal share:

Municipality	Population	Percentage
Bellefonte Borough	6,395	32%
Spring Township	6,117	30.5%
Walker Township	3,299	16.5%
Benner Township	3,205 (no inmates)	16%
Marion Township	978	5%
	19,994	100%

12.3 Each municipality shall be required to contribute \$250.00 for initial start-up fees, such as advertising, copying, and postage.

ARTICLE XIII

The Hiring of Staff or Professional Consultants

13.1 Within the limits imposed upon it by the funds available for its use, the Joint Planning Commission may employ such staff or personnel and enter into contracts with consultants as it sees fit to aid in its work.

ARTICLE XIV

Order of Business

14.1 The order of business at regular meetings shall be:

- a. Roll call.
- b. Reading of minutes.
- c. Public comments and questions.
- d. Communications and bills.
- e. Reports of Officers.
- f. Old business.
- g. New business.
- h. Adjournment.

14.2 A motion from the floor must be made and passed in order to dispense with any item on the agenda.

ARTICLE XV

Amendments

15.1 These By-Laws may only be amended by unanimous consent of the participating municipalities by resolution adopted by the governing bodies.

A motion is made to adopt Ordinance #2002-46, herein known as the "Ordinance authorizing the Creation of the Nittany Valley Joint Planning Commission".

Whereas, Marion Township shall enter into an agreement with the other municipalities listed in the ordinance, to participate in a discussion to create an acceptable joint comprehensive plan,

Whereas, Marion Township will support financially its 5% share of the cost, not to exceed a total commitment of 6,000 dollars, over the next three years (2002, 2003, 2004), and the initial start up fee, to be paid once, of \$250.00,

Whereas Marion Township is in no way obligated to except such ordinance without approval of both the Marion Township Planning Commission and the Marion Township Board of Supervisors.