

ORDINANCE NO. 686

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE CONFERRING UPON THE BOROUGH PLANNING COMMISSION ALL THE POWERS, DUTIES AND RESPONSIBILITIES PROVIDED FOR IN THE ACT OF ASSEMBLY OF JULY 31, 1968, KNOWN AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE"; AND INCREASING THE NUMBER OF MEMBERS OF THE BOROUGH PLANNING COMMISSION

BE IT ORDAINED and enacted by the Borough of Monroeville, in Council assembled, as follows:

Section 1. Purpose of Ordinance. It is the intent, purpose, and scope of this ordinance to conform the functions of the Monroeville Borough Planning Commission to the mandates of the Pennsylvania Municipalities Planning Code, Act of Assembly of July 31, 1968, hereinafter referred to as the Code; to increase its number of members as specifically provided for in the Code so as to fulfill its role in a large and fast developing borough envisioned by the Legislature in the passage of the Code; to protect and promote safety, health and morals; to accomplish coordinated development; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, social and cultural facilities, development and growth; to guide uses of land and structures, type and location of streets, public grounds and other facilities; and to minimize problems as may presently exist or which may be foreseen. It is the further intent of this ordinance that any recommendation made by the Planning Commission to Borough Council shall be advisory only.

Section 2. Prior Ordinance. Ordinance No. 83 of the Borough of Monroeville, enacted February 14, 1957, pursuant to the Act of Assembly of July 10, 1947, P.L. 1621, as amended, shall continue in effect except where it conflicts with the terms of this ordinance, and such parts are hereby repealed, particularly Section Two of Ordinance No. 83 which is in obvious conflict and which is repealed in its entirety.

Section 3. Continuation of Existing Commission. The Planning Commission created by Ordinance No. 83 shall continue in existence by virtue of this ordinance, but shall be increased in number of members as hereinafter specified, and shall exercise all the powers and duties and be subject to all the limitations conferred by the Code.

Section 4. Members of Commission. The Planning Commission shall have nine members, all residents of the Borough of Monroeville, and at least six of whom are not officers or employees of the Borough. The members shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. Elected or appointed officers or employees of the Borough may serve on the Planning Commission and at the same time receive compensation for the municipal offices held by them. The members of the existing Planning Commission shall continue in office until the end of the term for which they are appointed; their successors shall be appointed for four-year terms. The additional four positions created

pursuant to this ordinance shall be numbered from one (1) to four (4) and the original appointees thereto shall serve the same number of years as their position is numbered. At the end of each original term, the new appointment shall be for a four-year term. The Chairman of the Planning Commission shall promptly notify Council of any vacancies, and such vacancies shall be filled for the unexpired term.

Section 5. Removal. Any members of the Planning Commission once qualified and appointed may be removed from office for malfeasance or nonfeasance in office or for other just cause by a majority vote of Council, taken after the member has received fifteen days' advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

Section 6. Conduct of Business. The Planning Commission 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 may succeed themselves. The Planning Commission may make and alter by-laws and rules and regulations to govern its procedures consistent with the ordinance of the Borough and the laws of the Commonwealth. The Planning Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to Council. Interim reports may be made as often as may be necessary, or as requested by Council.

Section 7. Powers and Duties of the Planning Commission. In addition to the powers and duties granted by Ordinance No. 83 and preserved herein, the Planning Commission shall have the power and shall be required to:

- (a) Prepare the comprehensive plan for the development of the Borough as set forth in the Code and present it for the consideration of Council;
- (b) Maintain and keep on file records of its action, which shall be in the possession of Council;
- (c) Prepare and present for consideration of Council, and, after adoption, maintain for Council an official map, and make such recommendations to Council on proposed changes in such map as set forth in the Code;
- (d) Make recommendations to Council on proposed amendments to the Zoning Ordinance as set forth in the Code;
- (e) Prepare subdivision and land development regulations as set forth in the Code;
- (f) Prepare planned residential development regulations as set forth in the Code;
- (g) Make recommendations to Council on proposed amendments to the Building Code;
- (h) Prepare and present to Council a Housing Code and make recommendations on proposed amendments thereto;

- (i) Submit to Council a recommended capital improvement program;
- (j) Promote a public interest in and understanding of the comprehensive plan and planning;
- (k) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies;
- (l) Hold public hearings and meetings;
- (m) Require from other departments and agencies of the Borough such available information as relates to the work of the Planning Commission;
- (n) In the performance of its functions, enter upon any lands to make examinations and surveys either after permission has been obtained from the owner or after public notices;
- (o) Do such other act or make such studies as may be necessary to fulfill the duties and obligations imposed by the Code; and
- (p) Seek the approval of the Borough Engineer before doing any act or making any recommendations involving engineering considerations.

Section 8. Definitions. The definitions in Article I, Section 107, of the Code shall govern this ordinance.

Section 9. Borough Engineer and Planning Director. The Borough Engineer shall serve the Planning Commission as engineering advisor. The Planning Commission shall work in conjunction with the Borough Planning Director and Planning Department in exercising its powers and accomplishing its duties. The Planning Director and Planning Department shall administer all regulations prepared by the Planning Commission.

Section 10. Appropriations, Grants and Gifts. Borough Council is hereby authorized and empowered to make such appropriations as it may see fit, to accept gifts, grants or bequests from public and private sources for the purpose of carrying out the powers and duties conferred by this ordinance and the Code, and to enter into agreements regarding the acceptance or utilization of such grants, gifts or bequests. The Planning Commission may not charge fees to applicants for its services or expenses.

Section 11. Administrative and Technical Assistance. Borough Council may employ administrative and technical services to aid in carrying out the provisions of the Code, either as consultants on particular matters or as regular employees of the Borough. Borough Council may enter into agreements or contracts for planning services with any county or regional planning agency. The Planning Commission may, with the consent of Council, accept and utilize any funds, personnel or other assistance made available by the County, the Commonwealth or the Federal Government, or any of their agencies, or from private sources. Council may enter into agreements or contracts regarding the acceptance or utilization of the funds or assistance in accordance with the governmental procedures of the Borough.

Ordinance No. 686

-4-

Section 12. Repealer. Any ordinance or part of an ordinance in conflict with any of the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance.

ORDAINED and enacted into law in Council this _____ day of _____, 1970.

ATTEST:

BOROUGH OF MONROEVILLE

S/ Carrol F. Pickens
Secretary

By S/ George C. Dale
President of Council

EXAMINED and vetoed this 12th day of May, 1970.

S/ John J. Duncan
Mayor

This Ordinance No. 686 was returned by the Mayor to the Borough Council at the next regular meeting, to wit, May 12, 1970, marked "vetoed". Whereupon Mr. Droske moved to override the Mayor's veto of the ordinance. There was no second to the motion. President Dale stated that it would be proper to accept the veto and call for a public hearing to get this back on the floor by August, to have at least two or three months of study. Mr. Droske's motion died for lack of a second and President Dale declared that the veto must be accepted; therefore, Ordinance No. 686 is deemed to be null and void and of no effect.

Carrol F. Pickens
Carrol F. Pickens, Borough Secretary.

Entered in Legal Book May 15, 1970



BOROUGH OF MONROEVILLE

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(Area Code 412)

JOHN J. DUNCAN

GEORGE GREGOWICH, JR.
CHIEF OF POLICE

May 12, 1970

Mr. George Dale, Pres.
Monroeville Borough Council
Monroeville, Pa.

Dear Mr. Dale:

I am in receipt of Ordinance #666 described as a revised planing commission ordinance passed at your previous Council meeting held April 14, 1970.

I have examined this ordinance and hereby return it to you with my vote affixed.

1. In my opinion all major changes in the structure of local government should be given full and timely study by all members of Council.

2. In addition the public should be made aware of all facts relative to the change with the aid of public hearings.

3. It is my opinion that a great deal of the success and growth of our community can be directly attributed to the direct representation of the citizens of our Borough in its present form.

However, after careful study by all, it is found necessary to increase the number of members, it should be done gradual and not through the aid of an inexperienced group in control of this important commission.

Respectfully yours,

John J. Duncan
Mayor