ORDINANCE NO. _579__-2016

BENTLEYVILLE BOROUGH
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF BENTLEYVILLE BOROUGH, WASHINGTON COUNTY, AMENDING ORDINANCE NO. 188 WHICH WAS ADOPTED ON FEBRUARY 13, 1961 BY AMENDING THE TERMS AND TO COME INTO COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AS REENACTED AND AMENDED BY ACT 170 OF DECEMBER 21, 1988.

WHEREAS, Bentleyville Borough adopted Ordinance No. 188 on or about February 13, 1961 creating a Planning Commission; and

WHEREAS, the terms of office for Planning Commission members was for five (5) years, while the current law provides for four (4) year terms; and

WHEREAS, other tenets of Ordinance 188 are not compliant with the current Municipalities Planning Code, as amended; and

WHEREAS, the Council of Bentleyville Borough believes it to be in the best interest and welfare of its residents to amend Ordinance 188.

NOW THEREFORE, **BE IT ENACTED AND ORDAINED** by the Council of Bentleyville Borough, Washington County, Pennsylvania, as follows:

Section One: Title

This Ordinance shall be known as the "Bentleyville Borough Planning Commission Ordinance of 2016".

Section Two: Purpose

That the Council of Bentleyville Borough of Washington County hereby signifies its intention and desire to organize a Planning Commission under the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, reenacted and amended by Act 170 of December 21, 1988, P.L. 1329.

Section Three: Membership

The Planning Commission shall consist of five (5) members, all of whom shall be citizens of Bentleyville Borough of Washington County. The term of office of the members shall be four (4) years and should expire on December 31 or until a successor is appointed. No more than two (2) shall be appointed during any future calendar year, except in cases of

vacancies. Council shall have the right to fill any vacancy on the Planning Commission as a result of resignation, death, etc.

Section Four: Appointment

The names, addresses, and terms of office of the initial members of the Planning Commission are as follows:

NAME	ADDRESS	TERM OF OFFICE
Ron Moyer	200 Main St, Bentleyville	01/06/2014-01/06/2018
Gary Damich	122 Warren St, Bentleyville	10/01/2012-09/30/2016
Ron Sicchitano, Jr.	115 Short St, Bentleyville	10/04/2011-05/31/2015
Dante Sicchitano	115 Short St, Bentleyville	11/03/2014-05/31/2016
Zachary Easoz	148 Piersol Ave, Bentleyville	12/01/2012-11/30/2016

Section Five: Powers

1. The Planning Commission shall at the request of the Bentleyville Borough Council have the power and shall be required to:

(a) Prepare the comprehensive plan for the development of Bentleyville Borough as set forth in the Municipalities Planning Code and present it for the consideration of the Council.

(b) Maintain and keep on file records of its actions. All records and files of the Planning Commission shall be the possession of the Council.

2. The Planning Commission at the request of the Council may:

(a) Make recommendations to the Council concerning the adoption or amendment of an official map.

(b) Prepare and present to the Council of Bentleyville Borough a zoning ordinance, and make recommendations to the Council on proposed amendments to it.

(c) Prepare, recommend and administer subdivision and land development and planned residential development regulations.

(d) Prepare and present to the Council of Bentleyville Borough a building code and a housing code and make recommendations concerning proposed amendments thereto.

(e) Do such other acts or make studies as may be necessary to fulfill the duties and obligations imposed by the Municipalities Planning Code.

(f) Prepare and present to the Council of Bentleyville Borough an environmental study.

(g) Submit to the Council of Bentleyville Borough a recommended capital improvements program.

(h) Prepare and present to the Council of Bentleyville Borough 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.

(i) Promote public interest in, and understanding of, the comprehensive plan and planning.

(j) Make recommendations to governmental, civic, and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

(k) Hold public hearings and meetings.

(l) Present testimony before any board.

(m) Require from other departments and agencies of Bentleyville Borough such available information as it relates to the work of the planning agency.

(n) In the performance of its functions, enter upon any land to make examinations and land surveys with the consent of the owner.

(o) Prepare and present to Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas within Bentleyville Borough.

(p) 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 its reviews the comprehensive plan.

Section Six: Funding

The Planning Commission may, with the consent of the 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 Bentleyville Borough.

Section Seven: Separability

In the event that any provision, section, sentence or portion of this Ordinance shall be held invalid, such invalidity shall not effect or impair any of the remaining provision of this Ordinance, as the provision are severable and would have been enacted had not such invalid provisions been included herein. All Ordinances or part of Ordinances, which are inconsistent herewith, are hereby repealed.

Section Eight: Repealer

Any Ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

ORDAINED AND ENACTED into law by the Council of Bentleyville Borough in lawful session assembled this ____ day of _____, 2016.

_____ By: _____
Kimberly Sacco, Secretary Stan Glowaski, President

EXAMINED AND APPROVED by me this _____ day of _____, 2016.

By: _____
Thomas Brown, Mayor