

FAIRVIEW PLANNING COMMISSION
RULES OF PROCEDURES AND BYLAWS

Article 1. General Provisions

- 1.1 The Planning Commission of the Township of Fairview, Erie, County, Pennsylvania, shall be governed by the provisions of the Pennsylvania Municipalities Planning Code ("MPC"), the "Fairview Township Subdivision Ordinance" and by these rules of procedure and bylaws.
- 1.2 The Planning Commission shall be familiar with all other ordinances under which it may be expected to act as well as with applicable state statutes such as the MPC and the Sunshine Law.
- 1.3 The Planning Commission shall become familiar with the statement of community development objectives as contained within the Zoning Ordinance or stated by reference to the community comprehensive plan.
- 1.4 Nothing herein shall be construed to give or grant to the Planning Commission the power or authority to alter or change any ordinance, which authority is reserved to the governing body.
- 1.5 Within the limits of funds appropriated by the governing body, the Planning Commission may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.
- 1.6 The legal counsel to the Planning Commission shall be consulted in cases where the powers of the Planning Commission are not clearly defined.
- 1.7 The members of the Planning Commission shall be appointed by the governing body. Membership shall consist of 5 members.
- 1.8 The 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.

Article 2. Officers and Duties

- 2.1 **ELECTION.** The Planning Commission shall, at its annual organizational meeting, elect from its own membership, officers which shall consist of a chairperson, a vice-chairperson, and may either elect a secretary, or appoint a non-member as secretary. These officers shall serve annual terms as such and may succeed themselves.
- 2.2 **CHAIRPERSON.** The chairperson shall perform all duties required by law, ordinance and these rules; shall preside at all meetings of the Planning Commission; shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Commission; shall appoint any committees found necessary to carry out the business of the Planning Commission.
- 2.3 **VICE CHAIRPERSON.** The vice chairperson, in the absence, disability or disqualification of the chairperson, shall perform all the duties and exercise all the powers of the chairperson.
- 2.4 **SECRETARY.** The secretary shall record and maintain permanent minutes of the Planning Commission's proceedings, showing the vote of each member upon every question, or if absent or failing to vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of the Planning Commission's examinations and other official actions; shall file Planning Commission minutes and records in the municipal office, which minutes and records shall be a public record; and shall submit a report of the Planning Commission's activities to the governing body once a year or as required by the governing body.
- 2.5 **VACANCIES.** The Planning Commission shall promptly notify the governing body of any vacancies which occur. Should a vacancy occur among the officers of the Planning Commission, such office shall be filled by election, for the unexpired term, at the next meeting of the full Planning Commission.
- 2.6 **ALTERNATE MEMBERS.**
 - (A) The Supervisors may appoint up to three (3) residents to serve as alternate members of the planning commission. The term of office of an alternate member shall be four years. When seated pursuant to the provisions of section 207 of the Municipalities Planning Code, an alternate shall

be entitled to participate in all proceedings and discussions of the commission to the same and full extent as provided by law for commission members, including, specifically, the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Municipalities Planning Code and as otherwise provided by law. Alternates shall not serve as a member of the zoning hearing board or as a zoning officer. Any alternate may participate in any proceeding or discussion of the commission but shall not be entitled to vote as a member of the commission nor be reimbursed pursuant to the Municipalities Planning Code unless designated as a voting alternate member pursuant to section 207 of the Municipalities Planning Code.

- (B) The chairman of the planning commission may designate alternate members of the commission to substitute for any absent member or member who has recused himself or has been disqualified by the governing body, and, if, by reason of absence, recusal or disqualification of a member, a quorum is not reached, the chairman of the commission shall designate as many alternate members of the commission to sit on the commission as may be needed to reach a quorum. Any alternate member of the commission shall continue to serve on the commission in all proceedings involving the matter or case for which the alternate was initially appointed until the commission has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

Article 3. Meetings

- 3.1 **REGULAR MEETINGS.** The regular meeting of the Planning Commission shall be held on the second Monday of each month at 7:30 P.M. at the Fairview Township Municipal Building.
- 3.2 **ANNUAL MEETING.** The annual organizational meeting of the Planning Commission shall be the first regular meeting of the year.
- 3.3 **SPECIAL MEETINGS.** Special meetings may be called by the chairperson at his/her discretion or upon the request of two other Planning Commission members provided that public notice shall be given as required.

- 3.4 **PUBLIC NOTICE.** The Planning Commission shall hold all meetings at specified times and places of which public notice shall be given.
- (A) Public notice of the schedule of regular meetings shall be given once for each calendar year and shall show the regular dates, time and place at which meetings are held. This notice shall be given in a newspaper of general circulation within the municipality at least three (3) days prior to the time of the first regularly scheduled meeting.
 - (B) Public notice of each special meeting and of each rescheduled regular meeting shall be given in a newspaper of general circulation within the community at least twenty-four (24) hours prior to the time of the meeting.
- 3.5 **QUORUM.** A quorum shall be not less than a majority of all members of the Planning Commission and is required for any decision or official action by the Planning Commission, except as modified herein.
- 3.6 **CANCELLATION OF MEETINGS.** Regular meetings may be cancelled by the chairperson when there are no applications pending or other business to transact provided that twenty-four hour notice is given each member. As a courtesy to the public, a notice of such cancellation shall be posted at the place of the meeting.

Article 4. Order of Business

- 4.1 **PROCEEDINGS.** All meetings of the Planning Commission may proceed as follows:
- (A) Meeting called to order;
 - (B) Roll call and declaration of quorum;
 - (C) Reading and approval of minutes;
 - (D) Reading of correspondence;
 - (E) New business;
 - (F) Unfinished business;

- (G) Zoning Hearing Board report;
- (H) Adjournment.

Article 5. Planning Commission Functions

- 5.1 The Planning Commission shall at the request of the governing body have the power and shall be required to:
 - (A) Prepare the comprehensive plan for the development of the municipality as set forth in this act, and present it for the consideration of the governing body.
 - (B) Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the governing body.
- 5.2 The Planning Commission at the request of the governing body may:
 - (A) Make recommendations to the governing body concerning the adoption or amendment of an official map.
 - (B) Prepare and present to the governing body of the municipality a zoning ordinance, and make recommendations to the governing body on proposed amendments to it as set forth in the Pennsylvania Municipalities Planning Code.
 - (C) Prepare, recommend and administer subdivision and land development and planned residential development regulations, as set forth in the Pennsylvania Municipalities Planning Code.
 - (D) Do such acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the MPC.
 - (E) Prepare and present to the governing body of the municipality an environmental study.
 - (F) Submit to the governing body of the municipality a recommended capital improvements program.
 - (G) Promote public interest in, and understanding of, the comprehensive plan and planning.

- (H) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
- (I) Hold public hearings and meetings.
- (J) Present testimony before any board.
- (K) Require from other departments and agencies of the municipality such available information as relates to the work of the planning agency.
- (L) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
- (M) Prepare and present to the governing body of the municipality a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the municipality.
- (N) 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.

Article 6. Removal

- 6.1 Any member of the Planning Commission once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body taken after the member has received 15 days advance notice of the intent to take such a 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.

Article 7. Amendments

- 7.1 These bylaws may be amended by a majority vote of the entire membership of the Planning Commission.

Adopted by vote of 5 those in favor and 0 opposed at a public meeting of the Planning Commission on April 11, 2016.

Attested:

Judith Schroeck
Secretary

Deanna J. Klein
Chairperson

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