

ORDINANCE NO. 2012- 801
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, CHAPTER 165, ARTICLE XXXV, SECTION 248, SUBSECTION A. FOR THE PURPOSE OF EXPANDING THE MEMBERSHIP OF THE UPPER MERION TOWNSHIP ZONING HEARING BOARD FROM THREE (3) MEMBERS TO FIVE (5) MEMBERS; PROVIDING FOR THE METHOD OF APPOINTMENT OF THE MEMBERSHIP THERETO; AND ESTABLISHING THE TERMS OF OFFICE FOR THE ZONING HEARING BOARD MEMBERS.

WHEREAS, the Upper Merion Township Board of Supervisors has met the procedural requirements of 53 P.S. Section 10101, et. seq. of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing;

WHEREAS, the Second Class Township Code authorizes the Upper Merion Township Board of Supervisors to make and adopt ordinances that are consistent with the constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens;

WHEREAS, the Upper Merion Township Board of Supervisors in accordance with the authority vested in it by the General Assembly of the Commonwealth of Pennsylvania did previously establish a Zoning Hearing Board by prior Ordinance to perform the duties and functions delegated to it by the Upper Merion Township Board of Supervisors in accordance with the Pennsylvania Municipalities Planning Code;

WHEREAS, the Upper Merion Township Board of Supervisors desires to permit the Zoning Hearing Board greater flexibility with reference to scheduling and membership attendance by expanding the membership of the Upper Merion Township Zoning Hearing Board from three (3) to five (5) members in accordance with the Municipalities Planning Code, 53 P.S. Section 10903.

THEREFORE, be it ordained and enacted by the Board of Supervisors for Upper Merion Township and it is hereby ordained and enacted by the authority of the same as follows:

§1. **CODE AMENDMENT.**

CHAPTER 165, ARTICLE XXXV, SECTION 248, SUBSECTION A.
IS HEREBY AMENDED TO READ AS FOLLOWS:

- A. Membership of the Board shall consist of five (5) residents of Upper Merion Township who shall be appointed by the Board of Supervisors. The terms of office of the Board shall be five years and shall be so fixed that the terms of office of one member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall not hold any other elected or appointed office in the Township and shall not be an employee of the Township.

§2. **REPEALER.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

§3. **REVISIONS.**

The Upper Merion Township Board of Supervisors hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinance, including this provision.

§4. **SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

§5. **EFFECTIVE DATE.**

This amendment shall become effective five (5) days after date of adoption.

§6. **FAILURE TO ENFORCE NOT A WAIVER.**

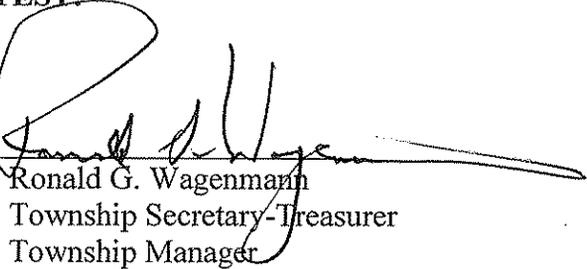
The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by Upper Merion Township of its rights of future enforcement hereunder.

ENACTED and ORDAINED by the Board of Supervisors of Upper Merion Township,
Montgomery County, Pennsylvania, this 16th day of February, 2012.

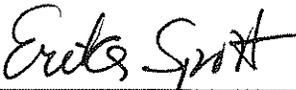
**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

By:


Ronald G. Wagenmann
Township Secretary-Treasurer
Township Manager

By:


Erika Spott, Chairperson

Advertised Proposed Ordinance in the Times Herald: Feb. 2 & 9, 2012
Proof of Publication dated: Feb. 10, 2012
Hearing Held: Feb. 16, 2012
Ordinance Adopted: Feb. 16, 2012
Ordinance Entered: Feb. 17, 2012 as Township Ordinance No. 2012-801