

**SOUTH WHITEHALL TOWNSHIP**  
**LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1082**  
**(Duly Adopted January 17, 2024)**

**AN ORDINANCE AMENDING PART I (ADMINISTRATIVE LEGISLATION) CHAPTER 17 TO REPEAL ARTICLE VII ENVIRONMENTAL ADVISORY COUNCIL AND ITS SUBORDINATE SECTIONS, RESERVE FOR FUTURE USE THOSE SECTIONS NOT UTILIZED, AND CREATE A NEW ARTICLE V ENVIRONMENTAL ADVISORY COUNCIL AS PART OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF SOUTH WHITEHALL AND PROVIDING FOR THE COMMISSION'S NAME; MEMBERSHIP; JURISDICTION, DUTIES AND RESPONSIBILITIES; RIGHT AND AUTHORITY, ORGANIZATION, BYLAWS AND PROCEDURES; PUBLIC NOTICE OF MEETINGS; FUNDING AND EXPENDITURES; RECORDS; AND COMPENSATION; SEVERABILITY, FAILURE TO ENFORCE NOT A WAIVER, REPEALER AND AN EFFECTIVE DATE; AND AMENDING PART II (GENERAL LEGISLATION) TO REPEAL CHAPTER 85 AIR POLLUTION AND ITS SUBORDINATE SECTIONS.**

**WHEREAS**, South Whitehall Township (“Township”) is a political subdivision, municipal corporation, and First Class Township of the Commonwealth of Pennsylvania, being a body corporate and politic, situated in Lehigh County, duly established and lawfully existing under and pursuant to the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 55101 et seq., as amended; and

**WHEREAS**, the Township has a vested interest in providing regulations for the proper formation and functioning of its advisory boards and commissions; and

**WHEREAS**, the Board of Commissioners recognizes that regulations should be periodically updated to ensure that all Township boards and commissions are operating efficiently within the bounds of Commonwealth law and are regulated in a clear and consistent manner; and

**WHEREAS**, the Board of Commissioners desires to update the regulations pertaining to the establishment and functioning of the Environmental Advisory Council in a manner that is to be consistent with the intent of the Township of South Whitehall, the regulations of the Commonwealth of Pennsylvania, and, as much as is practicable, the regulations of the other boards and commissions of South Whitehall Township.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Commissioners of South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania as follows:

**SECTION I AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP**

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended (revised) to REMOVE **Article VII Environmental Advisory Council** and **Sections 17-36** through **17-39**, inclusive, replacing them with the following:

**§ 17-36 RESERVED**

**§ 17-37 RESERVED**

**§ 17-38 RESERVED**

**§ 17-39 RESERVED**

**SECTION II AMENDMENT TO PART I (“ADMINISTRATIVE LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP**

Part I (“Administrative Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended (revised) to create a new Article V Environmental Advisory Council, which shall read as follows:

**Article V Environmental Advisory Council**

**§ 17-51 THE ENVIRONMENTAL ADVISORY COUNCIL**

- A. The Environmental Advisory Council, created by Ordinance 210, adopted on July 8, 1974 as amended, shall continue under and in accordance with the provisions of this article.

**§ 17-52 MEMBERSHIP**

- A. COMPOSITION. The Environmental Advisory Council shall be composed of seven (7) residents of the Township, appointed by the Township Commissioners by Resolution. Whenever possible, one member shall also be a member of the Planning Commission.
- B. TERMS. The members of the Environmental Advisory Council members shall serve for a term of three (3) years or until their successors are appointed. Terms shall be staggered so that no more than two (2) terms shall expire in a given calendar year. Each term shall commence on January 1 and terminate on December 31.
- C. VACANCIES. The Chairperson of the Environmental Advisory Council shall promptly notify the Township Board of Commissioners of any vacancies which occur. Vacancies in the Environmental Advisory Council, occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointments.
- D. REMOVAL OF MEMBERS. Any Environmental Advisory Council member may be removed at the discretion of the Township Board of Commissioners. Any member of the Environmental Advisory Council, once qualified and appointed, may be removed from office in accordance with the First Class Township Code, as amended, or any other applicable law.

## **§ 17-53 JURISDICTION; DUTIES AND RESPONSIBILITIES**

- A. The jurisdiction of the Environmental Advisory Council shall be limited to advising the Commissioners and other duly established Boards, Commissions and Committees of the Township on matters dealing with the protection, conservation, management, promotion and use of natural resources located within the territorial limits of the Township of South Whitehall. Specific duties will include:
1. To identify environmental problems and recommend plans and programs for conservation of natural resources and protection and improvement of environmental quality.
  2. In conjunction with the Park and Recreation Board, to make recommendations as to possible uses of open space areas.
  3. To promote a community environmental program.
  4. To keep an index of all open space areas, publicly or privately owned including, but not limited to, flood prone areas, swamps, and other unique natural areas for the purpose of obtaining information of the proper use of such areas.
  5. To advise the appropriate Township governmental agency in the acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise, or lease in matters dealing with the purposes of this article.
  6. The Environmental Advisory Council shall review subdivision and land development plans in accordance with the Subdivision and Land Development Ordinance, limited to matters pertaining to the foregoing subject matter. The findings of this review shall be prepared and sent to the Planning Commission as recommendations.
- B. The Environmental Advisory Council shall hold regular meetings a minimum of two times in a calendar year at such times and places as it shall designate.
- C. For each and every meeting, the Environmental Advisory Council shall create an agenda, and take and approve minutes.

## **§ 17-54 RIGHT AND AUTHORITY; ORGANIZATION; BYLAWS AND PROCEDURES**

- A. The Environmental Advisory Council shall have power to adopt rules and regulations for the conduct of all business before the Environmental Advisory Council, unless otherwise provided in the Ordinance, as it may be amended from time to time.
- B. In accordance with 53 Pa.C.S.A Section 2323, the Board of Commissioners shall designate the Chairperson of the Council. The members of the Environmental Advisory Council shall elect all other necessary officers to serve for a period of one (1) year.

## **§ 17-55 PUBLIC NOTICE OF MEETINGS**

- A. Unless otherwise specified, regular meetings for the Environmental Advisory Council shall be advertised annually in a local newspaper no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such advertisement shall include the name of the Environmental Advisory Council, the location of the meetings, the starting time of the meetings, and the dates of the meetings for the upcoming calendar year.

- B. Regular meetings for the Environmental Advisory Council shall be posted annually at the appropriate locations on the South Whitehall Township Website no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such postings shall include the information described in subsection (A).
- C. Regular meetings for the Environmental Advisory Council shall be posted annually at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building no more than thirty (30) days and no less than seven (7) days before the first day of the new year. Such postings shall include the information described in subsection (A).
- D. Cancellations of regular meetings for the Environmental Advisory Council shall be posted at the appropriate locations on the South Whitehall Township Website and at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building at the earliest possible opportunity.
- E. Meetings for the Environmental Advisory Council that are not regularly-scheduled meetings (“special meetings”) are to be advertised at least once (as legally appropriate) in a local newspaper no more than thirty (30) days and no less than seven (7) days before the date of the special meeting. Such advertisement shall include the name of the Environmental Advisory Council, the location of the meetings, the starting time of the meetings, and the dates of the meetings for the upcoming calendar year. Special Meetings shall also be posted to the South Whitehall Township Website and at a conspicuous publicly-accessible location at the South Whitehall Township Municipal Building with the above-mentioned requirements.
- F. None of the above requirements shall supersede any other advertising requirements required by law.

#### **§ 17-56 FUNDING AND EXPENDITURES**

- A. The Board of Commissioners may appropriate funds for the expenses incurred by the Council. Appropriations may be expended for those administrative, clerical, printing and legal services as may be required and as shall be within the limit of funds appropriated to the council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund and allowed to accumulate from year to year or may be expended in any year.

#### **§ 17-57 RECORDS**

- A. The Environmental Advisory Council, through the staff so designated by the Manager of South Whitehall Township, shall keep full public records of the activities of the Environmental Advisory Council, including agendas and approved minutes. Such records shall be the property of the Township of South Whitehall.
- B. On an annual basis, the Environmental Advisory Council, through the staff so designated by the Manager of South Whitehall Township, shall make a written report of its meetings, activities, and financial transactions and expenses, if any. Said report shall be submitted to the Township Board of Commissioners by March 1 of the following year and shall be made known and available to the general public.

**§ 17-58 COMPENSATION**

- A. The said members of the Environmental Advisory Council shall serve in their respective capacities and perform the duties of said office without compensation.

**§ 17-59 RESERVED**

**§ 17-60 RESERVED**

**SECTION III AMENDMENT TO PART II (“GENERAL LEGISLATION”) OF THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP**

Part II (“General Legislation”) of the Codified Ordinances of South Whitehall Township is hereby amended to REMOVE **Chapter 85 Air Pollution** and **Sections 85-1** through **85-6**, inclusive.

**SECTION 2 SEVERABILITY**

The provisions of this Ordinance are declared to be severable. If any sentence, clause, section, term, phrase or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, terms, provisions, or parts of this Ordinance. It is hereby declared the intent of the Board of Commissioners for South Whitehall Township that this Ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

**SECTION 3 FAILURE TO ENFORCE NOT A WAIVER**

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

**SECTION 4 REPEALER**

- A. Any ordinance, resolution and/or other regulation of the Township or portions thereof regulating the Environmental Advisory Council, which were made effective prior to the effective date of this chapter are hereby repealed.
- B. This repeal shall not affect or impair any act done or offense committed, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enforced or prosecuted as fully and to the same extent as if such repeal had not been affected. Furthermore, all actions and proceedings commenced under or by virtue of the laws repealed hereby and pending immediately prior to the taking effect of the repeal of said laws may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

**SECTION 5 EFFECTIVE DATE**

This Ordinance shall become effective on the first day of the month immediately following the date of adoption by the Board of Commissioners.

**DULY ORDAINED AND ENACTED 17<sup>th</sup> day of January 2024** by a majority of the Board of Commissioners of the Township of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**BOARD OF COMMISSIONERS  
SOUTH WHITEHALL TOWNSHIP**

  
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Diane Kelly, President

**ATTEST:**

  
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Tricia Dickert, Secretary