

SOUTH WHITEHALL TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 1083
(Duly Adopted January 17, 2024)

**AN ORDINANCE AMENDING PART I (ADMINISTRATIVE LEGISLATION)
CHAPTER 17 TO REPEAL ARTICLE III LANDSCAPE AND SHADE TREE
COMMISSION AND ITS SUBORDINATE SECTIONS, RESERVE FOR FUTURE USE
THOSE SECTIONS NOT UTILIZED, MOVE ARTICLE V COMMISSION MEETINGS
TO ARTICLE III, MOVE SECTION 17-29 TO SECTION 17-14, AND CREATE A NEW
ARTICLE VII LANDSCAPE AND SHADE TREE COMMISSION 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**

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 Landscape and Shade Tree Commission 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 to REMOVE **Article III Landscape and Shade Tree Commission** and REPLACE it with **Article III Commission Meetings**.

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 to REMOVE **Article V Commission Meetings**.

SECTION III 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 to REMOVE the entirety of **§ 17-29 Commission Meetings** and REPLACE it with **§ 17-29 RESERVED**.

SECTION IV 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 to REMOVE **Section 17-14 Title**, and REPLACE it with the following:

§ 17-14 Commission Meetings.

The Commissioners of the Township of South Whitehall shall meet regularly on the first and third Wednesdays of each month, at 7:00 p.m., prevailing time, at their municipal building located on Walbert Avenue, east of the intersection of Walbert Avenue and U.S. Route 309, South Whitehall Township, Lehigh County, Pennsylvania (with an address of 4444 Walbert Avenue, Allentown, PA 18104). Regularly scheduled meetings of the Board may be augmented by additional special meetings, canceled or postponed, from time to time, by agreement of a majority of the Board when it is deemed advisable because of inclement weather, a better opportunity for a quorum or any other reason that may facilitate prudent and efficient conduct of normal business.

SECTION V 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 to REMOVE Sections 17-15 through 17-25, replacing them with the following:

- § 17-15 RESERVED**
- § 17-16 RESERVED**
- § 17-17 RESERVED**
- § 17-18 RESERVED**
- § 17-19 RESERVED**
- § 17-20 RESERVED**

- § 17-21 **RESERVED**
- § 17-22 **RESERVED**
- § 17-23 **RESERVED**
- § 17-24 **RESERVED**
- § 17-25 **RESERVED**

SECTION VI 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 VII Landscape and Shade Tree Commission, which shall read as follows:

Article VII Landscape and Shade Tree Commission

§ 17-71 THE LANDSCAPE AND SHADE TREE COMMISSION

- A. The Landscape and Shade Tree Commission, created by Ordinance 109, adopted on March 10, 1969, as amended, shall continue under and in accordance with the provisions of this article.

§ 17-72 MEMBERSHIP

- A. COMPOSITION. The Landscape and Shade Tree Commission shall be composed of three (3) residents of the Township, appointed by the Township Commissioners by Resolution.
- B. TERMS. The members of the Landscape and Shade Tree Commission shall serve for a term of five (5) years or until their successors are appointed. Terms shall be staggered so that no more than one (1) term 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 Landscape and Shade Tree Commission shall promptly notify the Township Board of Commissioners of any vacancies which occur. Vacancies in the landscape and Shade Tree Commission, 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 Landscape and Shade Tree Commission member may be removed at the discretion of the Township Board of Commissioners. Any member of the Landscape and Shade Tree Commission, once qualified and appointed, may be removed from office in accordance with the First Class Township Code, as amended.

§ 17-73 JURISDICTION; DUTIES AND RESPONSIBILITIES

- A. Except as provided in 53 PS 57070 (Trees and shrubbery within right-of-way) and in accordance with the First Class Township Code and all other applicable law, the Landscape and Shade Tree Commission shall have exclusive custody and control of the shade trees in the Township, and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the Township.

- B. The Landscape and Shade Tree Commission shall review subdivision and land development plans in accordance with the Subdivision and Land Development Ordinance. The findings of this review shall be prepared and sent to the Planning Commission as recommendations.
- C. The Landscape and Shade Tree Commission has exclusive jurisdiction to hear and render final adjudications regarding appeals of staff determinations with regard to Shade Tree permits.
- D. The Landscape and Shade Tree Commission shall hold regular meetings a minimum of two times in a calendar year at such times and places as it shall designate.
- E. For each and every meeting, the Landscape and Shade Tree Commission shall create an agenda, and take and approve minutes.

§ 17-74 RIGHT AND AUTHORITY; ORGANIZATION; BYLAWS AND PROCEDURES

- A. The Landscape and Shade Tree Commission shall have power to adopt rules and regulations for the conduct of all business before the Landscape and Shade Tree Commission, unless otherwise provided in the Ordinance, as it may be amended from time to time.
- B. The members of the Landscape and Shade Tree Commission shall elect their own Chairperson and Secretary and select all other necessary officers to serve for a period of one year.
- C. The Landscape and Shade Tree Commission shall reorganize on an annual basis at the first regularly-scheduled meeting to be held during each calendar year.

§ 17-75 PUBLIC NOTICE OF MEETINGS

- A. Unless otherwise specified, regular meetings for the Landscape and Shade Tree Commission 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 Landscape and Shade Tree Commission, 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 Landscape and Shade Tree Commission 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 Landscape and Shade Tree Commission 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 Landscape and Shade Tree Commission 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 Landscape and Shade Tree Commission 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 Landscape and Shade Tree Commission, 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.

§ 17-76 FUNDING AND EXPENDITURES

- A. The Board of Commissioners may appropriate such money as, in its opinion, is necessary and is available, for the work of the Landscape and Shade Tree Commission.

§ 17-77 RECORDS

- A. The Landscape and Shade Tree Commission, through the staff so designated by the Manager of South Whitehall Township, shall keep full public records of the activities of the Landscape and Shade Tree Commission, including agendas and approved minutes. Such records shall be the property of the Township of South Whitehall.
- B. On an annual basis, the Landscape and Shade Tree Commission, 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.

§ 17-78 COMPENSATION

- A. The said members of the Landscape and Shade Tree Commission shall serve in their respective capacities and perform the duties of said office without compensation.

§ 17-79 RESERVED

§ 17-80 RESERVED

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 Landscape and Shade Tree Commission, 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 17th 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**



Diane Kelly, President

ATTEST:



Tricia Dickert, Secretary