

ORDINANCE NO. 13

ENVIRONMENTAL ADVISORY COUNCIL ORDINANCE

AN ORDINANCE OF APOLACON TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA, PROVIDING FOR THE ESTABLISHMENT OF AN ENVIRONMENTAL ADVISORY COUNCIL.

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution establishes environmental rights for all Pennsylvanians and local government has been held to be trustee of the public's natural resources;

WHEREAS, Apolacon Township, Susquehanna County, Commonwealth of Pennsylvania, is therefore a trustee of the public's natural resources.

WHEREAS, environmental protection, and environmental improvement from past practices of environmental degradation, are increasingly important to the residents of Apolacon Township particularly as our nation's and our Commonwealth's technology and standard of living continues to grow;

WHEREAS, the United States of America has established an agency known as the Environmental Protection Agency and the Commonwealth of Pennsylvania has established an agency known as the Department of Environmental Resources, both such agencies charged with the responsibility of working with and coordinating environmental protection and environmental improvement programs with local government;

WHEREAS, Apolacon Township must be capable of discharging its own statutory and constitutional responsibilities while also coordinating its programs with appropriate federal and state programs;

WHEREAS, environmental protection and environmental improvement programs involve Apolacon Township agencies.

WHEREAS, there is a need for all Apolacon Township agencies, including the Board of Supervisors, to have a continuous flow of information and educational material and advice with regard to the complicated and ever changing field of environmental protection and environmental improvement; and,

WHEREAS, the Pennsylvania General Assembly has enacted, and the Governor has signed into law, the Act of December 21, 1973, No. 148, ss1 to 8, 53 P.S. s11501 et seq., with the specific purpose of enabling units of local government to create an Environmental Advisory Council.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Apolacon Township, Susquehanna County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. Environmental Advisory Council--Creation. There is created hereby an Environmental Advisory Council, hereinafter referred to as "Council", to advise Apolacon Township agencies, including, but not limited to the Apolacon Township Board of Supervisors, hereinafter referred to as "Board", on matters dealing with protection, conservation, management, promotion, improvement and use of natural resources, including, but not necessarily limited to, air, land, water, natural, scenic, historic and esthetic resources located within and adjacent to the Township territorial limits.

SECTION 2. Membership and Term of Office. The Board shall, appoint three (3), or five (5), Apolacon Township residents to serve on the Council, such individuals to be adult and known to have an interest, training or experience in matters of environmental protection. Duly appointed Council members shall serve for a term of three (3) years except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year, there terms of their successors to be of three (3) years each. The Board shall fill all vacancies within sixty (60) days. The Board shall designate a Council member as Chairman.

SECTION 3. Conflicts of Interest. Council members having any financial interest whatsoever, directly or indirectly, past, present or prospective, in any matter under consideration, study or investigation by Council shall declare his interests and abstain from both deliberations within the Council and voting or reporting on such matter, except that a majority of other Council members may elect to allow such interested Council member to participate in the Council's deliberations.

SECTION 4. Compensation. Council members shall receive no compensation for their services, but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

SECTION 5. Powers, Duties and Responsibilities. The Council shall have power to identify environmental problems and

recommend plans and programs to Apolacon Township, Susquehanna County (hereinafter referred to as "County"), State and Federal agencies for the promotion and conservation of the Township's natural resources and for the protection and improvement of the quality of the environment within the Township's territorial limits; to make recommendations as to the possible use of open land areas, publicly or privately owned, including, but not limited to, flood-prone areas, swamps, woodlands and other unique natural areas, for the purpose of obtaining information on the proper use of such areas; and to advise the appropriate Township agencies, including, but not limited to, the Board, or other appropriate Township agencies, on permit applications, on matters dealing with protection, conservation, management, promotion, improvement and use of natural resources, and on the acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise or lease, and in other matters dealing with the purpose of this Ordinance. The Council is also authorized to conduct preliminary investigations, studies, research and analysis of existing conditions within or adjacent to the territorial limits of the Township when such conditions may be having, or threatening, an adverse impact on the environment of the Township; and, the Council shall recommend, if appropriate, to the Board, a course of action for further investigation and/or means of environmental improvement which may include, but not be limited to, complaints to appropriate County,

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State and Federal environmental protection agencies, County District Attorney, and/or recommend litigation through the County and/or Township solicitor. Any such investigations, studies, research, analysis and recommendations shall be in the form of a written report signed by a least a majority of the members of the Council.


SECTION 6. Records. The Council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual Township report, or, if none, otherwise made known and available to the public.

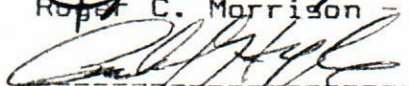
SECTION 7. State Aid. The Council shall take full advantage, when appropriate, of all programs available to it through the Pennsylvania Departments of Environmental Resources and Community Affairs, or any other federal, state or county agencies or sources, such programs to include educational services, exchange of information, assignment of technical personnel for natural resources planning assistance, the coordination of interagency conservation activities and grant-in-aid programs.


THIS ORDINANCE having been duly advertised and considered, It is hereby accepted and enacted into the law of Apolacon Township, Susquehanna County, Commonwealth of Pennsylvania this 17th day of March, 1987.

ATTEST:


Dennis Stevens - Sec/Treas.


Robert C. Morrison - Chairman


Richard York - Asst. Chairman


Albert Gana - Supervisor