

ORDINANCE NO. 65 - 1991

AN ORDINANCE CREATING AND ESTABLISHING A TOWNSHIP ENVIRONMENTAL ADVISORY COUNCIL AND DEFINING ITS FUNCTIONS AND POWERS

WHEREAS, THE TOWNSHIP OF WEST VINCENT DESIRES TO ESTABLISH AN ENVIRONMENTAL ADVISORY COUNCIL PURSUANT TO AND AS AUTHORIZED BY THE ACT OF DECEMBER 21, 1973, NO. 148, 53 P.S., SECTION 11501, et. seq.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF WEST VINCENT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN:

**SECTION 1. CREATION**

There is hereby created and established a West Vincent Township Environmental Advisory Council (hereinafter referred to as the "Council").

**SECTION 2. ADVISORY RESPONSIBILITY**

The Council shall advise the Board of Supervisors, and at the request of the Board of Supervisors, the Planning Commission, other committees, commissions, officials, and employees of West Vincent Township on matters dealing with protection, conservation, management, promotion, and use of open space, recreational, historic, and natural resources located within the Township of West Vincent.

**SECTION 3. POWERS**

The Council shall have the power to:

- A. Promote the implementation of the recommendations of the West Vincent Township Open Space and Recreation Plan.
- B. Recommend plans and programs, including proposed amendments to the ordinances of West Vincent Township, for the promotion, conservation, protection, and improvement of the natural and open space resources of the Township. The Council shall, at the request of the Board of Supervisors, review, evaluate, and comment on any such programs or regulations proposed or recommended by other persons or agencies.
- C. Research and recommend the acquisitions, preservation, and use of active recreational sites within the Township to serve existing and future recreational needs of Township residents.
- D. Compile an inventory of all open space areas, publicly or privately owned, including, but not limited to, flood prone areas, lakes and ponds, wetlands, woodlands, aquifer recharge areas, significant visual resources, unique geological features and other unique natural areas, for the purposes of establishing open space preservation priorities, identifying appropriate land management and use plans, and identifying existing or potential conflicts between such open space areas and adjacent land uses, existing or proposed.
- E. Identify methods by which priority open space areas or other property, real or personal, can be acquired (including by gift, purchase, grant, bequest, easement, or lease) by the Township or charitable conservation organizations and, as appropriate, provide such information to the owners of identified properties.
- F. Identify important environmental or conservation issues requiring analysis or regulatory action and provide review and comment to the Board of Supervisors on such issues.

- G. Coordinate the inventory of historic sites and historic preservation efforts with the Township Historic Committee/Commission.
- H. Provide review and comment to the Board of Supervisors on the open space, recreational, and natural resources impacts of subdivision and land development plans, zoning amendment and conditional use applications, special exception and variance applications, where appropriate. Written notice of the Council's findings and recommendations shall be sent to the Board of Supervisors. If written notice is not submitted to the Board of Supervisors within or less than the review periods established for the Township under the appropriate ordinance and the Municipalities Planning Code (Act 247 as amended), it shall be deemed no review.
  - (1). Mandatory Reviews. The Council shall review, evaluate, and prepare written reports on zoning, subdivision and land development, and Zoning Hearing Board applications involving:
    - a. Residential development of ten (10) or more lots or dwellings, or
    - b. Non-Residential developments of five (5) or more acres, or
    - c. Development of any property in a flood hazard district, or
    - d. Development of any property which contains wetlands and/or slopes of 25% or greater in amounts representing 10% or more of the area of the tract.
  - (2). Discretionary Reviews. When requested by the Board of Supervisors, the Council shall review, evaluate, and prepare written reports on zoning, subdivision and land development, and Zoning Hearing Board applications involving lands located in or affecting open space and environmentally sensitive areas, including but not limited to flood hazard areas as defined in the Township Zoning Ordinance; wetlands, groundwater, steep slopes, woodlands, streams, and visual resources as defined by the Township Open Space and Recreation Plan.

**SECTION 4. COMPOSITION; TERMS OF OFFICE**

The Council shall be composed of seven (7) residents of West Vincent Township, who shall be appointed by the Board of Supervisors, which shall also fill all vacancies. Nominations forwarded to the Board of Supervisors may be recommended by the Open Space Task Force initially, and the Environmental Advisory Council thereafter. Members of the Council should have experience in the areas of environmental science, ecology, open space preservation, recreation, or related fields, where feasible. Duly appointed Council members shall serve for a term of three (3) years, except that initial appointments shall be so staggered that no more than three (3) of the appointments shall expire each year. One member may be a member of the Planning Commission to act as a liaison between the organizations. Whenever possible, one member shall be from the Trails Preservation Association. A member of the Board of Supervisors may serve as a liaison between the organizations, but shall not be considered an official member of the Council. A Chairperson and Vice Chairperson shall be elected by the Council for terms to expire at the end of the calendar year.

**SECTION 5. COMPENSATION**

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.

- G. Coordinate the inventory of historic sites and historic preservation efforts with the Township Historic Committee/Commission.
- H. Provide review and comment to the Board of Supervisors on the open space, recreational, and natural resources impacts of subdivision and land development plans, zoning amendment and conditional use applications, special exception and variance applications, where appropriate. Written notice of the Council's findings and recommendations shall be sent to the Board of Supervisors. If written notice is not submitted to the Board of Supervisors within or less than the review periods established for the Township under the appropriate ordinance and the Municipalities Planning Code (Act 247 as amended), it shall be deemed no review.

(1). Mandatory Reviews. The Council shall review, evaluate, and prepare written reports on zoning, subdivision and land development, and Zoning Hearing Board applications involving:

- a. Residential development of ten (10) or more lots or dwellings, or
- b. Non-Residential developments of five (5) or more acres, or
- c. Development of any property in a flood hazard district, or
- d. Development of any property which contains wetlands and/or slopes of 25% or greater in amounts representing 10% or more of the area of the tract.

(2). Discretionary Reviews. When requested by the Board of Supervisors or upon its own initiative, the Council shall review, evaluate, and prepare written reports on zoning, subdivision and land development, and Zoning Hearing Board applications involving lands located in or affecting open space and environmentally sensitive areas, including but not limited to flood hazard areas as defined in the Township Zoning Ordinance; wetlands, groundwater, steep slopes, woodlands, streams, and visual resources as defined by the Township Open Space and Recreation Plan.

**SECTION 4. COMPOSITION; TERMS OF OFFICE**

The Council shall be composed of seven (7) residents of West Vincent Township, who shall be appointed by the Board of Supervisors, which shall also fill all vacancies. Nominations to the Board of Supervisors may be recommended by the Open Space Task Force initially, and the Environmental Advisory Council thereafter. Members of the Council should have experience in the areas of environmental science, ecology, open space preservation, recreation, or related fields, where feasible. Duly appointed Council members shall serve for a term of three (3) years, except that initial appointments shall be so staggered that no more than three (3) of the appointments shall expire each year. One member may be a member of the Planning Commission to act as a liaison between the organizations. Whenever possible, one member shall be from the Trails Preservation Association. A member of the Board of Supervisors may serve as a liaison between the organizations, but shall not be considered an official member of the Council. A Chairperson and Vice Chairperson shall be elected by the Council for terms to expire at the end of the calendar year.

**SECTION 5. COMPENSATION**

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 6. RECORDS; ANNUAL REPORT**

The Council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual municipal report, if any, or, if there shall be no annual municipal report, the Council shall otherwise make its written annual report to the Board of Supervisors and generally make the report known and available.

**SECTION 7. FUNDS FOR EXPENSES INCURRED**

Funds for the expenses incurred by the Council shall, at the discretion of the Board of Supervisors, be appropriated by that governing Board. The Council may expend monies for such administrative, clerical, printing, professional consulting, and legal services as may from time to time be required, but its expenditures shall be limited to the amount of funds appropriated to it by the Board of Supervisors of West Vincent Township. The Council shall submit a detailed written itemized budget proposal to the Board of Supervisors at least sixty (60) days prior to adoption of the Township's final budget.

**SECTION 8. PROGRAMS OF ASSISTANCE**

The Council shall endeavor to take advantage of such programs of assistance to Environmental Advisory Councils, including educational services, exchange of information, assignment of technical personnel for natural resources planning assistance and coordination of state and local conservation activities, as may be established by the State Conservation Commission in the Department of Environmental Resources and any program or assistance to Environmental Advisory Councils in planning for the management, use and development of open space and recreation areas as may be established by the Secretary of Community Affairs and any other program of assistance as may seem to the Council and the Board of Supervisors to be advantageous.

**SECTION 9. EFFECT ON EXISTING AGENCIES; REPEALER**

Nothing herein contained shall be construed as abolishing or limiting any existing municipal agency, board, authority, or commission even though such agency, board, authority, or commission may have a responsibility related to the responsibilities delegated to the Environmental Advisory Council hereunder, but otherwise all other ordinances and parts of ordinances are repealed insofar as they are inconsistent herewith.

**SECTION 10. EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after its adoption.

Adopted and enacted this 9th day of Dec., 1991.

TOWNSHIP OF WEST VINCENT  
BOARD OF SUPERVISORS

George M. Bunday *Ch*

Susan T. Pedersen

William K. Frame

Attest: Kay Segren