

ORDINANCE NO. 59

AN ORDINANCE CREATING AN ENVIRONMENTAL ADVISORY COUNCIL, FIXING THE NUMBER, TERMS AND QUALIFICATIONS OF ITS MEMBERS AND DESCRIBING ITS POWERS, DUTIES AND RESPONSIBILITIES.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same.

WHEREAS, Article 1, 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, Rush Township, Schuylkill 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 Rush 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, Rush 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 Rush Township agencies.

WHEREAS, there is a need for all Rush 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, §§1 to 8, 53 P.S. §11501 et seq., with the specific purpose of enabling units of local government to create an Environmental Advisory Council.

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. *Environmental Advisory Council--Creation.*

There is created hereby an Environmental Advisory Council, hereinafter referred to as "Council", to advise Rush Township agencies, including, but not limited to, the Rush Township Planning Commission, hereinafter referred to as "Planning Commission", and the Board of Supervisors for Rush Township, 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, in consultation with the Planning Commission, appoint three (3), or five (5), Rush 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, the 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. Whenever possible, one Council member shall also be a member of the Planning Commission.

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 appropriate Township, Schuylkill County (hereinafter referred to as "County"), State and Federal agencies for the promotion and conservation of the Township 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 Planning Commission, 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 analyses 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, 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, analyses and recommendations shall be in the form of a written report signed by at least a majority of the members of the Council.

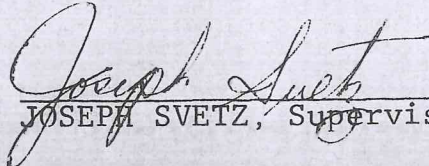
Section 6. *Records.* The Council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual Township report, or, if none, otherwise made known and available to the public.

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 inter-agency conservation activities and grant-in-aid programs.

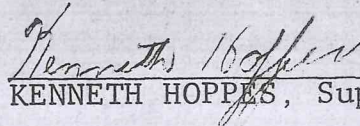
THIS ORDINANCE having been duly advertised and considered,
it is hereby accepted and enacted into the law of Rush Township,
Schuylkill County, Commonwealth of Pennsylvania this 2nd day
of October, 1980.



CHESTER PURNELL, Chairman

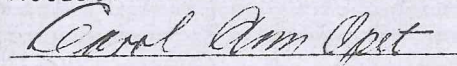


JOSEPH SVETZ, Supervisor



KENNETH HOPPE, Supervisor

Attest:



Carol Ann Opet

Secretary-Treasurer