



Quick Reference Guide to Municipal Government:

The rights and responsibilities of local governments derive from the following:

- The PA Municipalities Planning Code (MPC)
- Township and Borough Codes for Elected Officials
- PA Planning Series, providing important narrative supplements to MPC
- PA Sunshine Act
- PA Right to Know Law and Office of Open Records
- The PA Constitution, including Article I, Section 27, Environmental Rights
- The US Constitution

All have a role in the decision making capacity of local governments. In order to effectively engage decision makers, it is essential that residents and advocates understand the rules, regulations and responsibilities of local officials.

Knowing how to “speak the language” of local government is key to ensuring that proper procedures are adhered to and necessary protections are instituted.

The following is a guide to some of the most important documents local government officials use in their roles as either appointed or elected officials. Each section includes color notations indicating the relevant legal authority. By following the color codes, citizens can easily find the reference materials associated with key provisions of the guiding documents used by local governmental bodies, their staff members, and consultants.

PA Municipalities Planning Code (MPC) is the backbone of local government authority and key to holding officials accountable to following the rules -

<http://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1968/0/0247..HTM>

See sections below for several of the key portions of the MPC, sections citizens will likely want to reference most as they engage with locally elected officials.

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General Provisions, Article I, includes important definitions:

<http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1968&sessInd=0&smthLwInd=0&act=247&chpt=1>

What is the purpose of the MPC? Section 105 (Purpose of Act) states that “**It is the intent, purpose and scope of this act to protect and promote safety, health and morals; to accomplish coordinated development; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth,** as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of streets, public grounds and other facilities; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; to promote the preservation of this Commonwealth's natural and historic resources and prime agricultural land; to encourage municipalities to adopt municipal or joint municipal comprehensive plans generally consistent with the county comprehensive plan; to promote small business development and foster a business-friendly environment in this Commonwealth; to ensure that municipalities adopt zoning ordinances which are generally consistent with the municipality's comprehensive plan; to encourage the preservation of prime agricultural land and natural and historic resources through easements, transfer of development rights and rezoning; to ensure that municipalities enact zoning ordinances that facilitate the present and future economic viability of existing agricultural operations in this Commonwealth and do not prevent or impede the owner or operator's need to change or expand their operations in the future in order to remain viable; to encourage the revitalization of established urban centers; and to permit municipalities to minimize such problems as may presently exist or which may be foreseen and wherever the provisions of this act promote, encourage, require or authorize governing bodies to protect, preserve or conserve open land, consisting of natural resources, forests and woodlands, any actions taken to protect, preserve or conserve such land shall not be for the purposes of precluding access for forestry. (105 amended May 9, 2002, P.L.305, No.43)

Key sections of the MPC and other rules, regulations, codes and supplemental documents:

Elected officials, including Township Supervisors, Council Members and County Commissioners are Individuals who reside in the Township, Borough or County and are elected by local residents. They can be supported by staff members that may include Township/Borough/County Manager, Engineer, Solicitor and administrative staff. **Only elected officials have voting authority.**

Decisions made by elected officials are legally binding.

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Rules for Elected Officials can be found in a variety of sources:

Handbook for Township Supervisors, Handbook:

http://www.tiogacountypa.us/departments/elections_voter_registration/documents/township_supervisors05.pdf

Borough Council Members, Handbook: <https://dced.pa.gov/download/borough-council-handbook/>

County Commissioners, Handbook: <https://www.pacounties.org/Pages/default.aspx>

Planning Commission: Members of the Planning Commission are appointed by elected officials. The primary role of a local planning commission is to provide guidance to elected officials on land use, planning and community development.

Recommendations made by Planning Commission members are not legally binding.

MPC: Planning Agencies, Article II Section 201, MPC including detailed information on the duties of the members:

<http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1968&sessInd=0&smthLwInd=0&act=247&chpt=2>

Rules for Zoning, Land Uses: governs how local governments designate land uses by segregating areas into clearly defined districts. **MPC: Zoning, Article VI, Section 601 MPC**

<http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1968&sessInd=0&smthLwInd=0&act=247&chpt=6>

Zoning Hearing Board, as defined in the MPC: **Section 901. General Provisions.** “Every municipality which has enacted or enacts a zoning ordinance pursuant to this act or prior enabling laws, shall create a zoning hearing board.” Important to note: **Decisions made by the Zoning Hearing Board are legally binding.**

Part of the MPC: Zoning Hearing Board and Other Administrative Proceeding, Article IX, Section 901:

<http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1968&sessInd=0&smthLwInd=0&act=247&chpt=9>

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Public Hearings – Elected officials, Planning Commission, and Zoning Hearing Board members all follow the rules as outlined in Article IX, MPC, Zoning Hearing Board and other Administrative Proceedings:

<http://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1968&sessInd=0&smthLwInd=0&act=247&chpt=9>

In addition to the MPC, supporting, supplemental documents are provided by the Governor's Center for Local Government Services and the Department of Community and Economic Development to aid local officials in their decision-making. These important references provide additional clarity regarding the rules governing local government. They are easy-to-read and can provide citizens and advocates with helpful fact sheets that can be printed and added to a binder that can be taken to public meetings and hearings. Having these fact sheets handy for use can help keep local officials accountable.

These sections include the following and can be accessed using the following link:

https://dced.pa.gov/library/?wpdmc=community_planning/

PA Planning Series #1, Local Land Use Controls in PA
PA Planning Series #2, The Planning Commission in PA
PA Planning Series #3, The Comprehensive Plan in PA
PA Planning Series #4, Zoning
PA Planning Series #5, Technical Information on Floodplain Development
PA Planning Series #6, The Zoning Hearing Board
PA Planning Series #7, Special Exemptions, Conditional Uses and Variances
PA Planning Series #8, Subdivision and Land Development in PA
PA Planning Series #9, The Zoning Office
PA Planning Series #10, Reducing Land Use Barriers to Affordable Housing

PA Sunshine Act: "The Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716, requires agencies to deliberate and take official action on agency business in an open and public meeting. ... The Office of Open Records (OOR) does not enforce the Sunshine Act, but it does provide training on the law."

<https://www.openrecords.pa.gov/Documents/SunshineAct.pdf>

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The Sunshine Act ensures that all governmental bodies and agencies conduct their regular business in an open and transparent way. Citizens unfamiliar with the rules governing public meetings often feel confused or disenfranchised because they do not fully understand the rules governing such proceedings.

By familiarizing themselves with the basic rules provided by the Office of Open Records – and again, printing the key sections for addition to a binder they can take with them to meetings, can be a great way to level the playing field at public meetings.

Often there are many questions about how public meetings are required to be conducted: what is to be done in public and what can be done in private. What is required of those in charge and those in attendance? **There are very clear rules.** Using the resources provided below, citizens can begin to better understand what to expect when attending public meetings or hearings.

Having the resources necessary to become familiar with the rules governing the public's right to know how their governmental bodies are operating is an essential first step in leveling the playing field for all. An informed public can be an important asset to elected and regulatory officials. The PA Sunshine Act website includes easy to understand sections on the most often asked questions about how public meetings are required to be conducted and the public's role in those proceedings.

Examples of the informational sections include the following:

Open Meetings Law: <https://www.openrecords.pa.gov/SunshineAct.cfm>

Can Public Meetings Be Recorded: <https://www.openrecords.pa.gov/SunshineAct.cfm#8>

Can an Agency Have a Closed Meeting: <https://www.openrecords.pa.gov/SunshineAct.cfm#11>

Can the Public Ask Questions During the Public Comment Period:

<https://www.openrecords.pa.gov/SunshineAct.cfm#6>

What notice must an agency provide prior to public meetings:

<https://www.openrecords.pa.gov/SunshineAct.cfm#5>

Right to Know Law: “The Right to Know Law guarantees your right to obtain public records from state and local agencies in Pennsylvania, including the legislative and judicial branches. Explanation and Description of Open Records (Right to Know Law) <http://panewsmedia.org/legal/openrecords>

PA Office of Open Records (OOR): Information provided on the PA Office of Open Records (OOR) website can easily be printed and added to a binder for citizens and advocates to take with them to public meetings and use to reference when requesting access to public files. There are rules governing what documents are considered public and how citizens can request the opportunity to inspect, view and/or photocopy, photograph or scan.

<https://www.openrecords.pa.gov/>

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PA Constitution: <http://www.pabar.org/public/education/constitution/PADeclarationOfRights.pdf>

Article 1 – including Section 27, Environmental Rights Amendment: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.” Not all state constitutions include such protections and not since its adoption by referendum in 1971 has there been a majority PA Supreme Court ruling that underscored the importance of this amendment until the PA Environmental Defense Foundation’s decision, June 2017.

Details on the June 2017, PA Supreme Court ruling can be found here:

<https://stateimpact.npr.org/pennsylvania/2017/06/20/pa-supreme-court-upholds-broad-interpretation-of-environmental-rights-amendment/>

“You have a majority of the Pennsylvania Supreme Court that is now saying that the text of Article 1 Section 27, and the public trust responsibilities imposed by that text, binds the state of Pennsylvania and limits the way in which the state of Pennsylvania manages its public natural resources,” said Dernbach [an environmental law professor at Widener University]. “That has never been said before by a majority of the Pennsylvania Supreme Court.” Dernbach says the decision sets aside more than 40 years of judicial practice, which employed a less robust interpretation of that amendment.

More history/details on the PA Environmental Rights Amendment can be found here:

<https://conservationadvocate.org/pennsylvanias-environmental-rights-amendment/>

US Constitution: <https://www.archives.gov/founding-docs/constitution-transcript>

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