

**ARTICLE XXX      AMENDMENTS****Section 3000      POWER OF AMENDMENT**

The Borough Council may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map, in accordance with Act 247, the Pennsylvania Municipalities Planning Code, and this Article.

**Section 3001      PLANNING COMMISSION REFERRAL**

The Borough Council shall refer each petition or proposal for change or amendment whether under this Article or under another Article to the Borough Planning Commission and County Planning Commission at least forty-five (45) days prior to the hearing on such proposed amendment, in accordance with Act 247, the Pennsylvania Municipalities Planning Code, as amended. The Borough Planning Commission shall consider whether or not such proposed change or amendment would be, in the view of the Commission, consistent with and desirable in furtherance of the Comprehensive Plan upon which this Ordinance is based, as the same may be modified from time to time. The Commission shall transmit its conclusion thereon, together with its reasons therefor, to the Borough Council within thirty (30) days of receiving the proposed amendment. The Borough Council shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.

**Section 3002      PUBLIC HEARING AND NOTICE**

The Borough Council shall hold a public hearing on any proposal for amendment and the following shall be met.

- A. Borough shall fix the time and place of a public hearing on the proposed amendment or appeal, and shall cause notice to be given as follows:
1. The Borough Council, before voting on the enactment of a zoning amendment, shall hold a public hearing thereon, pursuant to public notice consistent with Act 247, the Municipalities Planning Code, as amended.
  2. The notice shall state the nature of the proposed amendment to be addressed, including either the full text or a summary thereof setting forth the principal provisions in reasonable detail, the time and place of the public hearing, and a reference to the place in the Borough where copies of the proposed amendment can be examined.
  3. At any public hearing on a proposed amendment, opportunity to be heard shall be given to any citizen.
  4. Where the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough, the affected tract or area shall be posted in accordance with the Act 247, the Municipalities Planning Code, as amended. In addition, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as

- evidenced by tax records with the possession of the municipality. The notice shall include the location, data, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.
5. If after the public hearing held upon the proposed amendment, said amendment is changed substantially, or is revised to include land not previously affected by it, the Borough Council shall hold another public hearing, pursuant to this Article, prior to proceeding to vote on the amendment.
  6. Borough Council shall readvertise any proposed amendment where the scheduled date of enactment is more than ninety (90) days following the date of last advertisement of the proposed amendment.
- B. The Borough Council shall have the power to adopt general or special rules of procedure for the conduct of any such hearing provided that the hearings shall be conducted in accordance with the following procedures:
1. The Borough Council shall conduct a hearing thereon within sixty (60) days of the receipt of written request, unless the applicant has agreed in writing to an extension of time.
  2. The Chair or President of the Borough Council, or in the President's absence, the acting Chair or President, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
  3. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses.
  4. Even though formal rules of evidence shall not apply, irrelevant, immaterial or unduly repetitious evidence may be excluded.
  5. The Borough Council shall keep a stenographic record of the proceedings and copies of graphic or written material received in evidence shall be made available at cost to any party.

### **Section 3003 DECISIONS OF THE BOROUGH COUNCIL**

The Borough Council shall take the recommendations of the Borough and County Planning Commissions into consideration in reaching its decision, but shall not be bound thereby. Enactments of amendments to the Ordinance or Map shall be made at public meetings of the Borough Council and copies can be examined at the Borough Hall during regular business hours. The Borough Council shall make a decision within forty-five (45) days after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and the Borough Council. When a decision has been made by the Borough Council, a written copy of the decision shall be delivered to the landowner personally or mailed to that landowner within seven (7) days of said decision.

**Section 3004      CITIZEN'S PETITION**

Whenever the owners of fifty (50) percent or more of the area in a district shall present to the Borough Council a petition, duly signed and acknowledge, requesting an amendment, supplement, change, modification, or repeal of any regulations or restrictions prescribed by this Ordinance for their District, or a change or modification to the Zoning Map with reference to such district, it shall be the duty of the Borough Council to hold a public hearing thereon and cause notice to be given in accordance with Section 3002, above.

**Section 3005      CURATIVE AMENDMENT PROCEDURES**

- A.    **Landowner Curative Amendments.** A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or Zoning Map, or any provision thereof which prohibits or restricts the use or development of land in which they have an interest, may submit a curative amendment to the Borough Council with a written request that their challenge and proposed amendment be heard and decided as provided in sections 609.1 and 916.1 of Act 247, the Pennsylvania Municipalities Planning Code, as amended.
- B.    **Borough Curative Amendments.** If the Borough Council determines that this Ordinance or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedure set forth in section 609.2 of Act 247, the Pennsylvania Municipalities Planning Code, as amended.

