

ORDINANCE NO. 2005-7

AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, CREATING A TOWNSHIP RECREATION BOARD, DIRECTING THE PREPARATION OF A TOWNSHIP RECREATION PLAN AND SPECIFYING THE POWERS AND DUTIES OF THE BOARD

WHEREAS Bethel Township, Berks County, Pennsylvania (The Township) is a Second Class Township in the Commonwealth of Pennsylvania; and

WHEREAS Article XXII of the Pennsylvania Second Class Township Code (53 PS §67201-67207) provides for the creation and management of recreational facilities and the establishment of a Recreation Board; and

WHEREAS it is expected that the Township's population will grow and continue to grow; and

WHEREAS the Board of Supervisors believes that proper planning for the future requires planning for recreational facilities for the Township.

NOW THEREFORE, in consideration of the above recitals which are incorporated herein by reference, the Board of Supervisors of Bethel Township, Berks County, Commonwealth of Pennsylvania therefore enacts and ordains as follows:

Section 1. Creation.

The Township hereby creates the Bethel Township Recreation Board (The Recreation Board) which shall have the powers and perform the duties specified in this Ordinance.

Section 2. Board Membership and Function

The Bethel Township Recreation Board shall consist of five (5) members who shall be appointed by the Board of Supervisors, each for a term of five (5) years until their successor shall be appointed and shall qualify. Members may succeed themselves in office but under no circumstances shall Board Members serve more than two (2) full consecutive terms. Board Members may serve as many non-consecutive terms as the Board of Supervisors may determine. Notwithstanding the foregoing, the Board of Supervisors, in establishing the initial Board, shall determine by Resolution the initial terms so that the terms of no more than two (2) members expire annually. For purposes of interpreting consecutive terms, a Board Member whose initial term expires sooner than five (5) years from the initial appointment shall not be considered in determining the limitation of two (2) full consecutive terms.

Members shall serve without compensation but may be reimbursed by the Township for all reasonable expenses incurred in the performance of their duties. Members may be removed by the Board of Supervisors for dereliction or neglect of duty or for malfeasance in office. Any vacancies occurring due to death, resignation or removal from office shall be filled by appointment of the Board of Supervisors and the appointees shall complete the unexpired term of the departing member.

Section 3. Internal Governance

The Recreation Board shall, annually, elect a Chairman and Secretary and may adopt bylaws and/or rules and regulations for the conduct of all business, which properly comes before The Recreation Board. The Recreation Board shall meet at regularly scheduled times, and may also schedule other meetings, all of which shall be open to the public except where the law permits or requires executive session.

Section 4. Powers and Duties of The Recreation Board

The Recreation Board shall exercise all of the following powers and perform all of the following duties:

A. The Recreation Board shall prepare and recommend a Township Recreation Plan for consideration by the Board of Supervisors;

B. The Recreation Board shall make recommendations to the Board of Supervisors, subject to the limitation on the expenditure of funds set forth below, supervising, regulating, equipping, and maintaining Township funded recreation programs and facilities;

C. The Recreation Board shall revise and modify the Township Recreation Plan and make recommendations to the Board of Supervisors from time to time regarding recreational facilities and programs within the Township subject to approval by the Supervisors;

D. The Township Supervisors shall make recommendations to the Board of Supervisors regarding the amount of any fee in lieu of recreational facilities as set forth in the Township Land Development and Subdivision Ordinance, but The Recreation Board shall make recommendations on expenditures;

E. The Recreation Board shall maintain a separate budget and shall account in accordance with all legal requirements concerning receipts and disbursements;

F. The Recreation Board shall have the authority to make expenditures for the supervision, regulation, equipping and maintaining Township funded recreation programs and facilities in amounts of not more than Five Hundred Dollars (\$500.00) in the aggregate for each program with any additional amounts required to be submitted to and approved by the Board of Supervisors;

G. The Recreation Board shall make recommendations to the Board of Supervisors regarding expenditures of all amounts in excess of Five Hundred Dollars (\$500.00) for each program and/or facility;

H. Review all Development Plans and make recommendations concerning the Development Plans to both the Planning Commission and the Board of Supervisors regarding the recreational facilities and/or programs concerning any and all proposed development within the Township.

Section 5. Powers and Duties of the Board of Supervisors

The Board of Supervisors shall:

A. Maintain a separate recreation fund and to the maximum extent possible, utilize funds allocated and/or received to that fund for recreational programs and facilities. However, nothing in this Ordinance shall prohibit the Board of Supervisors from making additional expenditures from the general fund or from using monies in the recreational budget for general purposes, both of which are permitted;

B. Appoint Members to The Recreation Board by Resolution;

C. Consider and review recommendations from The Recreation Board; and

D. Where approved by a majority of the Board of Supervisors, review, approve, and implement any recreation plan.

Section 6. Ratification and Repeals

All Ordinances or parts of Ordinances that are inconsistent with the Provisions of this Ordinance are hereby repealed to the extent, but only to the extent specifically provided for in this Ordinance and otherwise are ratified and confirmed and shall remain in full force and effect.

Section 7. Severability

If any sentence, clause, section or part of this Ordinance for any reason is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that the intent of the Board of

Supervisors that this Ordinance would have been adopted if such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.


Section 8. Effective Date

This Ordinance shall be effective five (5) days after enactment.

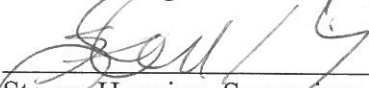
ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Bethel, County of Berks, Pennsylvania, in lawful session duly assembled, this 14 day of November, 2005.

BETHEL TOWNSHIP
BOARD OF SUPERVISORS


By:



Randall Haag, Chairman



Steven Henning, Supervisor



Kenneth Norton, Supervisor

Attest:



Jayne Seifrit, Secretary