

‘Just Say No’

To Comply with State Laws, Township Supervisors

Sometimes Have to Make Unpopular Decisions

Wal-Mart is coming to town and wants to build its new store near your neighborhood. The township supervisors should just say no.

A pig farmer wants to set up shop down the road from your new dream home. The township supervisors should just say no.

A local businessman wants to open an adult bookstore a few doors away from your church. The township supervisors should just say no.

It’s that easy, right? Well, not really.

When making land use decisions, town-ship supervisors must comply with a handful of state laws, including the granddaddy of them all, the Pennsylvania Municipalities Planning Code, which was enacted in 1968 to guide local officials as they develop their communities.

And while the MPC, the courts, and the legislature have given township supervisors a certain amount of latitude and flexibility in making local land use decisions, they have been very firm about one thing: Townships with zoning ordinances must allow for every use.

In other words, townships must set aside land for such necessary things as homes and businesses and such controversial things as landfills and cell phone towers. And no matter how much residents may protest, township supervisors have very few options when faced with an unpopular use: If the applicant complies with state and local laws, the township must allow it.

“Township residents may not want an adult bookstore or a hog farm in their community, but the courts have determined that these are legitimate uses,” says Elam Herr, assistant executive director of the Pennsylvania State Association of Township Supervisors. “So unless a township wants to wind up in court, spending valuable tax dollars be-cause it sidestepped a state law, it can’t ban or say no to these businesses. The supervisors’ hands are tied.

“Sometimes, that’s difficult for residents to understand,” he adds, “but townships must follow state and federal laws like anyone else or face the consequences.”