

# ZONING HEARING BOARD OF THE BOROUGH OF AMBLER

## RULE 2020 - 001: VIRTUAL HEARINGS

In accordance with Section 27-2301.E of the Borough of Ambler Zoning Ordinance, and Section 906(c) of the Pennsylvania Municipalities Planning Code, and the Act of April 20, 2020 (P.L., No. 15), the Zoning Hearing Board of the Borough of Ambler (the “Board”) hereby adopts this rule (the “Rule”) as set forth below:

1. The above-identified ordinance, code and Act permit the Board to conduct hearings through an “Authorized Telecommunications Device” (such as the internet video meeting platform “Zoom”). For purposes of this Rule, and in accordance with the definition set forth in 35 Pa. C.S. §5741(j), an Authorized Telecommunications Device includes any device which permits, at a minimum, audio communication between individuals.
2. In the interest of public safety, the Board hereby approves the use of Authorized Telecommunications Devices to conduct all business which comes before the Board, including, without limitation, hearings before the Board (collectively, “Virtual Hearings”).
3. All Virtual Hearings before the Board will be conducted in accordance with this Rule.
4. The Board will cause the notice for a Virtual Hearing (the “Virtual Hearing Notice”) to be placed on the website of the Borough of Ambler at least one week before the Virtual Hearing.
5. Any person or entity wishing to participate in the Virtual Hearing must pre-register at least 24 hours before the Virtual Hearing as directed in the Virtual Hearing Notice by providing the following: email address; first name; last name; and street address. Once registration is processed, a link to the Virtual Meeting will be provided via email. All participants in the Virtual Hearing shall participate in the Virtual Hearing via an Authorized Telecommunications Device.
6. Any person or entity who seeks to become a “**party appellant before the Board**” as set forth in 53 P.S. §10913 (a “Party”), must pre-register at least 24 hours before the Virtual Hearing as directed in the Virtual Hearing Notice by providing the following: email address; first name; last name; street address; first and last name of legal counsel (if any); and, a statement as to why that person or entity is entitled to be granted status as a Party. Once registration is processed, a link to the Virtual Meeting will be provided via email. The Board will determine during the Virtual Hearing whether or not a person or entity is granted status as a Party. Any person seeking status as a Party to the Virtual Hearing, or granted status as a Party to the Virtual Hearing, including any such Party’s attorney(s) and witness(es), shall appear and participate during a Virtual Hearing via an Authorized Telecommunication Device. In the discretion of the Board, any of the individuals set forth in the preceding sentence are permitted to appear and participate in-person during a Virtual Hearing while other participants in the same Virtual Hearing are limited to participating via an Authorized Telecommunications Device.
7. Each Member of the Board, each Alternate Member of the Board, the Board’s Solicitor, the Borough of Ambler Zoning Officer, and a court reporter are each permitted to participate in the Virtual Hearing via an Authorized Telecommunications Device. In the

discretion of the Board, any of the individuals set forth in the preceding sentence are permitted to convene in-person during a Virtual Hearing while other participants in the same Virtual Hearing are limited to participating through an Authorized Telecommunications Device.

8. Upon entry into the Virtual Hearing all participants in the Virtual Hearing will have the video and audio feeds from their device turned off automatically (“Muted”). Video and audio feeds from the devices of Board Members, Alternate Board Members, the Board’s Solicitor, and the court reporter will not be Muted. The Board Chairman/Chairwoman, at his/her discretion, has the continuing authority during a Virtual Hearing to direct the audio and/or video from devices of participants in the Virtual Hearing be Muted and un-Muted at any time.

9. All proposed exhibits to be introduced at, or referred to, during the Virtual Hearing must be submitted to the Borough of Ambler Zoning Officer at least 24 hours before the Virtual Hearing. All documents submitted must be in the portable document format (“PDF”). All images submitted must be in either the PDF format or the Joint Photographic Expert Group (“JPG”) format. All videos submitted must be in the MPEG-4 (“MP4”) format.

10. Exhibits during the Virtual Hearing will be shared on the screen of the Virtual Hearing by the Board to the extent that it is technically feasible. The Board will control all screen sharing during the Virtual Hearing.

11. Each Party will participate in the Virtual Hearing as directed by the Board Chairman/Chairwoman.

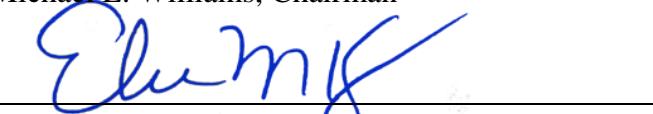
12. During the Virtual Hearing, the Board Chairman/Chairwoman will direct participants to select the “Raise Your Hand” button on their device when the time is appropriate for participants to ask a question and/or to speak in favor of the application or against the application. One-by-one, the Virtual Hearing Zoom administrator will select each participant with their “virtual hand raised” and that participant will be un-Muted and permitted to speak.

13. This Rule will remain in effect only so long as Pennsylvania Law allows Virtual Hearings.

**SO ADOPTED** by the Zoning Hearing Board of the Borough of Ambler, this 10<sup>th</sup> day of September, 2020, to be effective immediately.



Michael E. Williams, Chairman



Elise Kelly, Vice-Chairwoman



Ryan Kennedy, Esquire, Member