

WHITPAIN TOWNSHIP

ORDINANCE NO. 400

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART I [ADMINISTRATIVE LEGISLATION] BY ADDING A NEW CHAPTER 45, TITLED "REPRODUCTIVE HEALTH"

DRAFT

CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 400

Roman M. Pronczak, P.E., Township Manager
_____, 2022

ENACTED: _____

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AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART I [ADMINISTRATIVE LEGISLATION] BY ADDING A NEW CHAPTER 45, TITLED “REPRODUCTIVE HEALTH”

WHEREAS, The Board of Supervisors of Whitpain Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety, and welfare of the residents of Whitpain Township;

WHEREAS, the Supreme Court’s recent decision in *Dobbs v. Jackson Women’s Health Organization*, 142 S.Ct. 2228 (2022) has overturned *Roe v. Wade*, 410 U.S. 113 (1973) after nearly 50 years;

WHEREAS, the decision could potentially place reproductive rights in jeopardy by banning access to reproductive health services;

WHEREAS, it is the intention of Whitpain Township to decline participation in any such ban, and to codify and restate reproductive rights as they currently exist to the fullest extent of its authority under the Second Class Township Code;

WHEREAS, The Second Class Township Code authorizes the Board of Supervisors to make, amend and adopt amendments to the Whitpain Code of Ordinances, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, The Board of Supervisors of Whitpain Township have determined that certain amendments to the Whitpain Township Code of Ordinances, as amended, are required for the orderly administration of the laws of Whitpain Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township’s Code is amended as follows:

SECTION 1. **Addition of Chapter 45 [Reproductive Health] to provide for enforcement limitations regarding bans of certain reproductive health services**

The Code of the Township of Whitpain, Part I [Administrative Legislation] is hereby amended to add in the new Chapter 45 [Reproductive Health] as follows:

§ 45-1. Limitations on Enforcement

No police officer or other person acting under color of law on behalf of Whitpain Township or using resources or assets belonging to Whitpain Township shall conduct any investigation, make any arrest, file any criminal charges, cooperate with any other officer, agent, agency, or department, or participate in any prosecution in which a person is accused of facilitating, providing, or receiving abortion services with the consent of the pregnant person during the first twenty-four weeks of any pregnancy, or when the life or health of the pregnant person is endangered by continuation of the pregnancy.

SECTION 2. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

This Ordinance shall become effective 5 days after enactment.

ORDAINED AND ENACTED this _____ day of _____ 2022, by the Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

KIMBERLY J. KOCH, *Chair*

[Seal]

Attested by:

JEFFREY CAMPOLONGO, *Secretary*