

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 602

Session of
1977

INTRODUCED BY MORRIS, COLE, GARZIA, ZELLER, WEIDNER, LIVENGOOD,
SCHEAFFER, LEVI, MACKOWSKI AND ZEARFOSS, MARCH 14, 1977

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 14, 1977

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,
2 as amended, "An act to empower cities of the second class A,
3 and third class, boroughs, incorporated towns, townships of
4 the first and second classes including those within a county
5 of the second class and counties of the second class A
6 through eighth classes, individually or jointly, to plan
7 their development and to govern the same by zoning,
8 subdivision and land development ordinances, planned
9 residential development and other ordinances, by official
10 maps, by the reservation of certain land for future public
11 purpose and by the acquisition of such land; providing for
12 the establishment of planning commissions, planning
13 departments, planning committees and zoning hearing boards,
14 authorizing them to charge fees, make inspections and hold
15 public hearings; providing for appropriations, appeals to
16 courts and penalties for violations; and repealing acts and
17 parts of acts," repealing sections relating to curative
18 amendments and making editorial changes.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 609.1, act of July 31, 1968 (P.L.805,
22 No.247), known as the "Pennsylvania Municipalities Planning
23 Code," is repealed.

24 Section 2. Section 910 of the act, amended June 1, 1972
25 (P.L.333, No.93), is amended to read:

26 Section 910. Board Functions: Challenge to the Validity of

1 any Ordinance or Map.--The board shall hear challenges to the
2 validity of a zoning ordinance or map except as indicated in
3 section 1003 [and subsection (1)(b) of section 1004]. In all
4 such challenges, the board shall take evidence and make a record
5 thereon as provided in section 908. At the conclusion of the
6 hearing, the board shall decide all contested questions and
7 shall make findings on all relevant issues of fact which shall
8 become part of the record on appeal to the court.

9 Section 3. Section 1004 of the act is repealed.

10 Section 4. Section 1010 of the act, added June 1, 1972
11 (P.L.333, No.93), is amended to read:

12 Section 1010. Hearing and Argument of Zoning Appeal.--If
13 upon motion it is shown that proper consideration of the zoning
14 appeal requires the presentation of additional evidence, a judge
15 of the court may hold a hearing to receive additional evidence
16 or may remand the case to the body, agency or officer whose
17 decision or order has been brought up for review or may refer
18 the case to a referee to receive additional evidence provided
19 that appeals brought before the court pursuant to [sections 1004
20 and] section 1005 shall not be remanded for further hearings
21 before any body, agency or officer of the municipality. If the
22 record below includes findings of fact made by the governing
23 body, board or agency whose decision or action is brought up for
24 review and the court does not take additional evidence or
25 appoint a referee to take additional evidence, the findings of
26 the governing body, board or agency shall not be disturbed by
27 the court if supported by substantial evidence. If the record
28 does not include findings of fact, or if additional evidence is
29 taken by the court or by a referee, the court may make its own
30 findings of fact based on the record below as supplemented by

1 the additional evidence, if any.

2 Section 5. Section 1011 of the act is repealed.

3 Section 6. This act shall take effect in 60 days.