

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1505 Session of  
1991

INTRODUCED BY PETERSON, ROBBINS, STAPLETON, PORTERFIELD,  
HELFRICK, BRIGHTBILL, SHUMAKER, MADIGAN, ANDREZESKI, STEWART,  
WENGER, DAWIDA, ARMSTRONG AND HOPPER, DECEMBER 19, 1991

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 1992

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,  
2 as reenacted and amended, "An act to empower cities of the  
3 second class A, and third class, boroughs, incorporated  
4 towns, townships of the first and second classes including  
5 those within a county of the second class and counties of the  
6 second class A through eighth classes, individually or  
7 jointly, to plan their development and to govern the same by  
8 zoning, 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; to promote the  
12 conservation of energy through the use of planning practices  
13 and to promote the effective utilization of renewable energy  
14 sources; providing for the establishment of planning  
15 commissions, planning departments, planning committees and  
16 zoning hearing boards, authorizing them to charge fees, make  
17 inspections and hold public hearings; providing for  
18 mediation; providing for transferable development rights;  
19 providing for appropriations, appeals to courts and penalties  
20 for violations; and repealing acts and parts of acts," ADDING <—  
21 A DEFINITION; AND further providing for purposes of the act  
22 in relation to forestry.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 105 of the act of July 31, 1968 (P.L.805,  
26 No.247), known as the Pennsylvania Municipalities Planning Code,

1 reenacted and amended December 21, 1988 (P.L.1329, No.170), is  
2 amended to read:

3 Section 105. Purpose of Act.--It is the intent, purpose and  
4 scope of this act to protect and promote safety, health and  
5 morals; to accomplish coordinated development; to provide for  
6 the general welfare by guiding and protecting amenity,  
7 convenience, future governmental, economic, practical, and  
8 social and cultural facilities, development and growth, as well  
9 as the improvement of governmental processes and functions; to  
10 guide uses of land and structures, type and location of streets,  
11 public grounds and other facilities; to promote the conservation  
12 of energy through the use of planning practices and to promote  
13 the effective utilization of renewable energy sources; and to  
14 permit municipalities to minimize such problems as may presently  
15 exist or which may be foreseen. Additionally, the General  
16 Assembly recognizes the rights and obligation of private  
17 landowners to exercise forestry, an activity that predates  
18 zoning, and declares that it is in the public interest to  
19 encourage preservation of open space by conserving forest and  
20 other natural resources. Forestry activities, including, but not  
21 limited to, the harvest and transport of forest products, when  
22 practiced in accordance with applicable laws and regulations,  
23 are traditional, fundamental and accessory uses of land  
24 throughout this Commonwealth and as such shall not be  
25 unreasonably limited by use of municipal planning and zoning  
26 powers or by the unreasonable interpretation of such powers.

27 SECTION 2. SECTION 107(A) OF THE ACT IS AMENDED BY ADDING A <—  
28 DEFINITION TO READ:

29 SECTION 107. DEFINITIONS.--(A) THE FOLLOWING WORDS AND  
30 PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO

1 THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES  
2 OTHERWISE:

3 \* \* \*

4 "FORESTRY," THE MANAGEMENT OF FORESTS AND TIMBERLANDS THROUGH  
5 DEVELOPING, CULTIVATING, HARVESTING, TRANSPORTING AND SELLING OF  
6 TREES FOR COMMERCIAL PURPOSES.

7 \* \* \*

8 SECTION 3. SECTION 603 OF THE ACT IS AMENDED BY ADDING A  
9 SUBSECTION TO READ:

10 SECTION 603. ORDINANCE PROVISIONS.--\* \* \*

11 (F) ZONING ORDINANCES MAY NOT UNREASONABLY RESTRICT FORESTRY  
12 ACTIVITIES.

13 Section ~~2~~ 4. This act shall take effect immediately.

<—