

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2159 Session of  
2003

INTRODUCED BY HABAY, LEDERER, BLAUM, CORRIGAN, COY, DALEY,  
GEORGE, KELLER, KOTIK, MUSTIO, SCAVELLO, CAPPELLI, CRAHALLA,  
DENLINGER, ARMSTRONG, GOODMAN AND HORSEY, NOVEMBER 18, 2003

REFERRED TO COMMITTEE ON URBAN AFFAIRS, NOVEMBER 18, 2003

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 through eighth  
6 classes, individually or jointly, to plan their development  
7 and to govern the same by zoning, subdivision and land  
8 development ordinances, planned residential development and  
9 other ordinances, by official maps, by the reservation of  
10 certain land for future public purpose and by the acquisition  
11 of such land; to promote the conservation of energy through  
12 the use of planning practices and to promote the effective  
13 utilization of renewable energy sources; providing for the  
14 establishment of planning commissions, planning departments,  
15 planning committees and zoning hearing boards, authorizing  
16 them to charge fees, make inspections and hold public  
17 hearings; providing for mediation; providing for transferable  
18 development rights; providing for appropriations, appeals to  
19 courts and penalties for violations; and repealing acts and  
20 parts of acts," further providing for location of methadone  
21 treatment facilities in certain locations.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. Section 621 of the act of July 31, 1968 (P.L.805,  
25 No.247), known as the Pennsylvania Municipalities Planning Code,  
26 reenacted and amended December 21, 1988 (P.L.1329, No.170) and  
27 added June 18, 1999 (P.L.70, No.10), is amended to read:

Section 621. Prohibiting the Location of Methadone Treatment Facilities in Certain Locations.--(a) (1) Notwithstanding any other provision of law to the contrary and except as provided in subsection (b), a methadone treatment facility shall not be established or operated within [500] 1,000 feet of an existing school, public playground, public park, residential housing area, child-care facility, museum, emergency medical services provider, Pennsylvania Liquor Store or church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

(2) The provisions of this subsection shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within [500] 1,000 feet of an existing school, public playground, public park, residential housing area, child-care facility, museum, emergency medical services provider, Pennsylvania Liquor Store or church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

(b) Notwithstanding subsection (a), a methadone treatment facility may be established and operated closer than [500] 1,000 feet to an existing school, public playground, public park, residential housing area, child-care facility, museum, emergency medical services provider, Pennsylvania Liquor Store or church, meetinghouse or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the governing body for the municipality in which the proposed methadone treatment facility

1 is to be located votes in favor of the issuance of an occupancy  
2 permit or certificate of use for said facility at such a  
3 location. At least 14 days prior to the governing body of a  
4 municipality voting on whether to approve the issuance of an  
5 occupancy permit or certificate of use for a methadone treatment  
6 facility at a location that is closer than [500] 1,000 feet to a  
7 school, public playground, public park, residential housing  
8 area, child-care facility, museum, emergency medical services  
9 provider, Pennsylvania Liquor Store or church, meetinghouse or  
10 other actual place of regularly stated religious worship  
11 established prior to the proposed methadone treatment facility,  
12 one or more public hearings regarding the proposed methadone  
13 treatment facility location shall be held within the  
14 municipality following public notice. All owners of real  
15 property located within 500 feet of the proposed location shall  
16 be provided written notice of said public hearings at least 30  
17 days prior to said public hearings occurring.

18 (c) This section shall not apply to a methadone treatment  
19 facility that is licensed by the Department of Health prior to  
20 May 15, 1999.

21 (d) As used in this section, the term "methadone treatment  
22 facility" shall mean a facility licensed by the Department of  
23 Health to use the drug methadone in the treatment, maintenance  
24 or detoxification of persons.

25 Section 2. This act shall take effect in 60 days.