

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2040 Session of
2005

INTRODUCED BY R. STEVENSON, ARMSTRONG, BENNINGHOFF, BEYER,
CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, CRAHALLA, CREIGHTON,
DALLY, DENLINGER, J. EVANS, FABRIZIO, FAIRCHILD, GOOD,
GOODMAN, GRUCELA, HARHART, HARRIS, HENNESSEY, HUTCHINSON,
LEH, MARSICO, R. MILLER, MUSTIO, O'NEILL, PICKETT, PYLE,
REICHLEY, SEMMEL, SHANER, SONNEY, STABACK, STERN,
T. STEVENSON, THOMAS, TIGUE, WANSACZ AND WILT,
OCTOBER 17, 2005

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 17, 2005

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 adoption of municipal,
21 multimunicipal and county comprehensive plans and plan
22 amendments, for adoption of the official map and amendments
23 thereto and for publication, advertisement and availability
24 of ordinance relating to subdivision and land development and
25 relating to zoning.

26 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 302(a.1) and (b) of the act of July 31,
3 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities
4 Planning Code, reenacted and amended December 21, 1988
5 (P.L.1329, No.170) and amended June 22, 2000 (P.L.495, No.68),
6 are amended to read:

7 Section 302. Adoption of Municipal, Multimunicipal and
8 County Comprehensive Plans and Plan Amendments.--* * *

9 (a.1) The governing body of the county may adopt and amend
10 the county comprehensive plan in whole or in part. Before
11 adopting or amending a comprehensive plan, or any part thereof,
12 the county planning agency shall hold at least one public
13 meeting pursuant to public notice and by concurrently providing
14 notice by United States mail to persons who have made written
15 request for such mailings and who have supplied to the county
16 planning agency self-addressed and stamped envelopes therefor.
17 Any person requesting such mailings shall be solely responsible
18 for the number, accuracy and sufficiency of the envelopes
19 supplied. The public meeting shall be held before forwarding the
20 proposed comprehensive plan or amendment thereof to the
21 governing body. In reviewing the proposed comprehensive plan,
22 the governing body shall consider the comments of municipalities
23 and school districts within the county and contiguous school
24 districts, municipalities and counties as well as the public
25 meeting comments and the recommendations of the county planning
26 agency. The comments of the counties, municipalities and school
27 districts shall be made to the governing body within 45 days of
28 receipt by the governing body, and the proposed comprehensive
29 plan or amendment thereto shall not be acted upon until such
30 comment is received. If, however, the counties, municipalities

1 and school districts fail to respond within 45 days, the
2 governing body may proceed without their comments.

3 (b) The governing body shall hold at least one public
4 hearing pursuant to public notice[.] and by concurrently
5 providing notice by United States mail to persons who have made
6 written request for such mailings and who have supplied to the
7 governing body self-addressed and stamped envelopes therefor.
8 Any person requesting such mailings shall be solely responsible
9 for the number, accuracy and sufficiency of the envelopes
10 supplied. If, after the public hearing held upon the proposed
11 plan or amendment to the plan, the proposed plan or proposed
12 amendment thereto is substantially revised, the governing body
13 shall hold another public hearing, pursuant to public notice,
14 and by concurrently providing notice by United States mail to
15 persons who have made written request for such mailings and who
16 have supplied to the governing body self-addressed and stamped
17 envelopes therefor. Any person requesting such mailings shall be
18 solely responsible for the number, accuracy and sufficiency of
19 the envelopes supplied. Such public hearing shall be held before
20 proceeding to vote on the plan or amendment thereto.

21 * * *

22 Section 2. Sections 402(b), 506(a) and 610(a) of the act are
23 amended to read:

24 Section 402. Adoption of the Official Map and Amendments
25 Thereto.--* * *

26 (b) The county and adjacent municipalities may offer
27 comments and recommendations during said 45-day review period in
28 accordance with section 408. Local authorities, park boards,
29 environmental boards and similar public bodies may also offer
30 comments and recommendations to the governing body or planning

1 agency if requested by same during said 45-day review period.
2 Before voting on the enactment of the proposed ordinance and
3 official map, or part thereof or amendment thereto, the
4 governing body shall hold a public hearing pursuant to public
5 notice[.] and by concurrently providing notice by United States
6 mail to persons who have made written request for such mailings
7 and who have supplied to the governing body self-addressed and
8 stamped envelopes therefor. Any person requesting such mailings
9 shall be solely responsible for the number, accuracy and
10 sufficiency of the envelopes supplied. Such public hearing shall
11 be held before proceeding to vote on the plan or amendment
12 thereto.

13 * * *

14 Section 506. Publication, Advertisement and Availability of
15 Ordinance.--(a) Proposed subdivision and land development
16 ordinances and amendments shall not be enacted unless notice of
17 proposed enactment is given in the manner set forth in this
18 section, and shall include the time and place of the meeting at
19 which passage will be considered, a reference to a place within
20 the municipality where copies of the proposed ordinance or
21 amendment may be examined without charge or obtained for a
22 charge not greater than the cost thereof. Notices published
23 pursuant to this section shall be concurrently mailed by United
24 States mail to persons who have made written request for such
25 mailings and who have supplied to the municipality self-
26 addressed and stamped envelopes therefor. Any person requesting
27 such mailings shall be solely responsible for the number,
28 accuracy and sufficiency of the envelopes supplied. The
29 governing body shall publish the proposed ordinance or amendment
30 once in one newspaper of general circulation in the municipality

1 not more than 60 days nor less than seven days prior to passage.
2 Publication of the proposed ordinance or amendment shall include
3 either the full text thereof or the title and a brief summary,
4 prepared by the municipal solicitor and setting forth all the
5 provisions in reasonable detail. If the full text is not
6 included:

7 (1) A copy thereof shall be supplied to a newspaper of
8 general circulation in the municipality at the time the
9 public notice is published.

10 (2) An attested copy of the proposed ordinance shall be
11 filed in the county law library or other county office
12 designated by the county commissioners, who may impose a fee
13 no greater than that necessary to cover the actual costs of
14 storing said ordinances.

15 * * *

16 Section 610. Publication, Advertisement and Availability of
17 Ordinances.--(a) Proposed zoning ordinances and amendments
18 shall not be enacted unless notice of proposed enactment is
19 given in the manner set forth in this section, and shall include
20 the time and place of the meeting at which passage will be
21 considered, a reference to a place within the municipality where
22 copies of the proposed ordinance or amendment may be examined
23 without charge or obtained for a charge not greater than the
24 cost thereof. may be examined without charge or obtained for a
25 charge not greater than the cost thereof. Notices published
26 pursuant to this section shall be concurrently mailed by United
27 States mail to persons who have made written request for such
28 mailings and who have supplied to the municipality self-
29 addressed and stamped envelopes therefor. Any person requesting
30 such mailings shall be solely responsible for the number,

1 accuracy and sufficiency of the envelopes supplied. The
2 governing body shall publish the proposed ordinance or amendment
3 once in one newspaper of general circulation in the municipality
4 not more than 60 days nor less than 7 days prior to passage.
5 Publication of the proposed ordinance or amendment shall include
6 either the full text thereof or the title and a brief summary,
7 prepared by the municipal solicitor and setting forth all the
8 provisions in reasonable detail. If the full text is not
9 included:

10 (1) A copy thereof shall be supplied to a newspaper of
11 general circulation in the municipality at the time the
12 public notice is published.

13 (2) An attested copy of the proposed ordinance shall be
14 filed in the county law library or other county office
15 designated by the county commissioners, who may impose a fee
16 no greater than that necessary to cover the actual costs of
17 storing said ordinances.

18 * * *

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