

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 263 Session of 2009

INTRODUCED BY FREEMAN, ARGALL, CARROLL, BOYD, BRENNAN,
CALTAGIRONE, CAUSER, COHEN, CUTLER, FABRIZIO, FRANKEL, GEIST,
GINGRICH, GRUCELA, JOSEPHS, W. KELLER, KORTZ, LEVDANSKY,
LONGIETTI, McILVAINE SMITH, MILLER, M. O'BRIEN, O'NEILL,
READSHAW, ROSS, SAINATO, SIPTROTH, STABACK, SWANGER,
VULAKOVICH, WALKO AND YUDICHAK, FEBRUARY 4, 2009

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 4, 2009

AN ACT

1 Amending the act of April 28, 1978 (P.L.87, No.41), entitled "An
2 act authorizing the Commonwealth of Pennsylvania, through the
3 Department of Conservation and Natural Resources, to enter
4 into such agreements and to acquire such interest as may be
5 necessary to establish, protect and maintain the Appalachian
6 Trail, and providing for the establishment, protection and
7 maintenance of such trail," further providing for the content
8 of zoning ordinances; and extending the time period necessary
9 to implement certain provisions.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 4 of the act of April 28, 1978 (P.L.87,
13 No.41), known as the Pennsylvania Appalachian Trail Act, amended
14 June 11, 2008 (P.L.176, No.24), is amended to read:

15 Section 4. Municipalities; powers and duties.

16 (a) A municipality, as defined in the Pennsylvania
17 Municipalities Planning Code, through which the Appalachian
18 Trail passes shall have the power and their duty shall be to
19 take such action consistent with applicable law, as at least an

1 interim measure, to preserve the natural, scenic, historic and
2 esthetic values of the trail and to conserve and maintain it as
3 a public natural resource. Such action shall include the
4 adoption, implementation and enforcement of [zoning ordinances
5 as the governing body deems necessary] a zoning ordinance the
6 content of which the governing body deems appropriate to
7 preserve those values. Such municipalities may act hereunder in
8 that section of the municipality through which the Appalachian
9 Trail passes without zoning the entire municipality as required
10 under section 605 of the Pennsylvania Municipalities Planning
11 Code.

12 (b) The Department of Community and Economic Development
13 shall assist municipalities in complying with the provisions of
14 this section by furnishing technical assistance relating to
15 zoning matters. The Department of Community and Economic
16 Development shall notify each municipality which is required to
17 comply with the provisions of subsection (e) within 30 days of
18 the effective date of this subsection.

19 (c) The Department of Conservation and Natural Resources
20 shall assist municipalities in the identification and
21 acquisition of property appropriate for a conservation easement
22 or other protection measures and provide information to
23 municipalities relating to protection measures such as
24 conservation easements and other techniques through its grant
25 programs, subject to availability of funding, eligibility and
26 the terms, rules, procedures and requirements thereof.

27 (d) Municipalities which have not adopted zoning ordinances
28 under subsection (a) as of the effective date of this subsection
29 shall receive priority for grant funding under the Land Use
30 Planning and Technical Assistance Program of the Department of

Community and Economic Development.

(e) (1) Municipalities shall implement zoning ordinances under subsection (a) within [one year of the effective date of this subsection] two years of August 11, 2008.

(2) A municipality shall not be required to implement a zoning ordinance under subsection (a) if, on [the effective date of this subsection] August 11, 2008, all of the property adjoining the Appalachian Trail in the municipality is:

(i) owned by the Department of Conservation and Natural Resources; or

(ii) operated as a game preserve by a nonprofit, nonstock corporation which is qualified as an exempt organization under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).

(3) If title to property under paragraph (2) is transferred or the use of such property changes, the municipality shall implement a zoning ordinance under subsection (a) within one year of the date the title to the property is transferred or the use of the property changes.

Section 2. This act shall take effect immediately.