

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1343 Session of 2009

INTRODUCED BY STEVENSON, BAKER, BROOKS, CARROLL, CAUSER, CLYMER, CREIGHTON, CUTLER, EVERETT, FABRIZIO, FAIRCHILD, FLECK, GINGRICH, GRUCELA, HALUSKA, HARKINS, M. KELLER, KOTIK, MILLARD, MILLER, MOUL, MUNDY, MUSTIO, PICKETT, REICHLEY, ROCK, ROHRER, STABACK, STERN, VULAKOVICH, WANSACZ, MAJOR, HENNESSEY, DALLY, BOBACK AND MURT, APRIL 23, 2009

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 23, 2009

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 definitions; and  
21 providing for mailed notice in certain proceedings.

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

24 Section 1. Section 107(a) of the act of July 31, 1968  
25 (P.L.805, No.247), known as the Pennsylvania Municipalities

Planning Code, reenacted and amended December 21, 1988  
(P.L.1329, No.170), is amended by adding a definition to read:

Section 107. Definitions.--(a) The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

\* \* \*

"Mailed notice," notice given by a municipality by first class mail to a landowner or an owner of a mineral interest in land of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

\* \* \*

Section 2. The act is amended by adding a section to read:

Section 109. Mailed Notice.--In any case in which mailed notice is required by this act, the following shall apply:

(1) The mailed notice shall be required only if a landowner or an owner of a mineral interest in land within a municipality has made a request that the notice be mailed and has supplied the municipality with a stamped, self-addressed envelope prior to the public hearing.

(2) A landowner or an owner of a mineral interest in land who has requested a mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied.

(3) A municipality shall deposit a mailed notice in the United States mail not more than 30 and not less than seven days prior to the scheduled date of the hearing as shown on the notice.

(4) For each public hearing for which a mailed notice has been requested, the municipal secretary or other person

1 designated by the municipal governing body shall prepare, sign  
2 and maintain a list of all mailed notices and the mailing dates.  
3 The signed list shall constitute a presumption that the mailed  
4 notice was given.

5 (5) The mailed notice shall be deemed received by a  
6 landowner or an owner of a mineral interest in land on the date  
7 deposited in the United States mail.

8 (6) Failure of a landowner or an owner of a mineral interest  
9 in land to receive a requested mailed notice shall not be deemed  
10 to invalidate any action or proceedings under this act.

11 Section 3. Section 302(b) of the act, amended June 22, 2000  
12 (P.L.495, No.68), is amended to read:

13 Section 302. Adoption of Municipal, Multimunicipal and  
14 County Comprehensive Plans and Plan Amendments.--\* \* \*

15 (b) The governing body shall hold at least one public  
16 hearing pursuant to public notice and mailed notice. If, after  
17 the public hearing held upon the proposed plan or amendment to  
18 the plan, the proposed plan or proposed amendment thereto is  
19 substantially revised, the governing body shall hold another  
20 public hearing, pursuant to public notice and mailed notice,  
21 before proceeding to vote on the plan or amendment thereto.

22 \* \* \*

23 Section 4. Sections 402(b), 504(a) and 505(a) of the act are  
24 amended to read:

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

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

1 comments and recommendations to the governing body or planning  
2 agency if requested by same during said 45-day review period.  
3 Before voting on the enactment of the proposed ordinance and  
4 official map, or part thereof or amendment thereto, the  
5 governing body shall hold a public hearing pursuant to public  
6 notice and mailed notice.

7 \* \* \*

8 Section 504. Enactment of Subdivision and Land Development  
9 Ordinance.--(a) Before voting on the enactment of a proposed  
10 subdivision and land development ordinance, the governing body  
11 shall hold a public hearing thereon pursuant to public notice  
12 and mailed notice. A brief summary setting forth the principal  
13 provisions of the proposed ordinance and a reference to the  
14 place within the municipality where copies of the proposed  
15 ordinance may be secured or examined shall be incorporated in  
16 the public notice and the mailed notice. Unless the proposed  
17 subdivision and land development ordinance shall have been  
18 prepared by the planning agency, the governing body shall submit  
19 the ordinance to the planning agency at least 45 days prior to  
20 the hearing on such ordinance to provide the planning agency an  
21 opportunity to submit recommendations. If a county planning  
22 agency shall have been created for the county in which the  
23 municipality adopting the ordinance is located, then, at least  
24 45 days prior to the public hearing on the ordinance, the  
25 municipality shall submit the proposed ordinance to said county  
26 planning agency for recommendations.

27 \* \* \*

28 Section 505. Enactment of Subdivision and Land Development  
29 Ordinance Amendment.--(a) Amendments to the subdivision and  
30 land development ordinance shall become effective only after a

1 public hearing held pursuant to public notice and mailed notice  
2 in the manner prescribed for enactment of a proposed ordinance  
3 by this article. In addition, in case of an amendment other than  
4 that prepared by the planning agency, the governing body shall  
5 submit each such amendment to the planning agency for  
6 recommendations at least 30 days prior to the date fixed for the  
7 public hearing on such proposed amendment. If a county planning  
8 agency shall have been created for the county in which the  
9 municipality proposing the amendment is located, then, at least  
10 30 days prior to the hearing on the amendment, the municipality  
11 shall submit the proposed amendment to said county planning  
12 agency for recommendations.

13 \* \* \*

14 Section 5. Section 608 of the act, carried without amendment  
15 June 22, 2000 (P.L.495, No.68), is amended to read:

16 Section 608. Enactment of Zoning Ordinance.--Before voting  
17 on the enactment of a zoning ordinance, the governing body shall  
18 hold a public hearing thereon, pursuant to public notice and  
19 mailed notice. The vote on the enactment by the governing body  
20 shall be within 90 days after the last public hearing. Within 30  
21 days after enactment, a copy of the zoning ordinance shall be  
22 forwarded to the county planning agency or, in counties where no  
23 planning agency exists, to the governing body of the county in  
24 which the municipality is located.

25 Section 6. Section 609(b) (1) and (d) of the act, amended  
26 January 11, 2002 (P.L.13, No.2), are amended to read:

27 Section 609. Enactment of Zoning Ordinance Amendments.--\* \*  
28 \*

29 (b) (1) Before voting on the enactment of an amendment, the  
30 governing body shall hold a public hearing thereon, pursuant to

1 public notice and mailed notice. In addition, if the proposed  
2 amendment involves a zoning map change, notice of said public  
3 hearing shall be conspicuously posted by the municipality at  
4 points deemed sufficient by the municipality along the tract to  
5 notify potentially interested citizens. The affected tract or  
6 area shall be posted at least one week prior to the date of the  
7 hearing.

8 \* \* \*

9 (d) If, after any public hearing held upon an amendment, the  
10 proposed amendment is changed substantially, or is revised, to  
11 include land previously not affected by it, the governing body  
12 shall hold another public hearing, pursuant to public notice and  
13 mailed notice, before proceeding to vote on the amendment.

14 \* \* \*

15 Section 7. This act shall take effect in 60 days.