

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1435 Session of
2009

INTRODUCED BY CUTLER, BOYD, CREIGHTON, DENLINGER, GEIST,
GIBBONS, GINGRICH, GOODMAN, HARPER, HENNESSEY, HORNAMAN,
PALLONE, READSHAW AND STEVENSON, MAY 5, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for nuisance
3 actions.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8320.1. Nuisance actions.

9 (a) General rule.--No activity shall be or shall become a
10 nuisance, either public or private, solely as a result of
11 changed conditions in or around the locality of the activity if
12 the activity has been in operation for one year since the date
13 on which it commenced operation as an activity.

14 (b) Definition.--As used in this section, the term
15 "activity" means any ongoing use of a property which is not in
16 violation of any:

17 (1) local ordinance or regulation which existed at the
18 time the ongoing use of the property commenced; or

1 (2) Federal or State statute or regulation.

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