
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 515** Session of
2013

INTRODUCED BY STEVENSON, BAKER, M. K. KELLER, CALTAGIRONE,
CUTLER, GINGRICH, MARSHALL, MILLARD, MAJOR, MUNDY, KORTZ,
HARKINS, FLECK, C. HARRIS, MOUL, CAUSER, PICKETT, CARROLL,
R. MILLER, CLYMER, SWANGER, ROCK, GRELL, GILLEN, FARRY, MURT
AND DENLINGER, FEBRUARY 5, 2013

SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
JUNE 5, 2013

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

1 Planning Code, reenacted and amended December 21, 1988
2 (P.L.1329, No.170), is amended by adding definitions to read:
3 Section 107. Definitions.--(a) The following words and
4 phrases when used in this act shall have the meanings given to
5 them in this subsection unless the context clearly indicates
6 otherwise:

7 * * *

8 "Electronic notice," notice given by a municipality through
9 the Internet of the time and place of a public hearing and the
10 particular nature of the matter to be considered at the hearing.

11 * * *

12 "Mailed notice," notice given by a municipality by first
13 class mail of the time and place of a public hearing and the
14 particular nature of the matter to be considered at the hearing.

15 * * *

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

17 Section 109. Notice.--In any case in which mailed notice or
18 electronic notice is required by this act, the following shall
19 apply:

20 (1) AN OWNER OF A TRACT OR PARCEL OF LAND LOCATED WITHIN A <--
21 MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A TRACT OR
22 PARCEL OF LAND WITHIN A MUNICIPALITY, MAY REQUEST THAT THE
23 MUNICIPALITY PROVIDE WRITTEN OR ELECTRONIC NOTICE OF A PUBLIC
24 HEARING WHICH MAY AFFECT SUCH TRACT OR PARCEL OF LAND.

25 ~~(1)~~ (2) Mailed notice shall be required only if an affected <--
26 landowner or an owner of a mineral interest in land within a
27 municipality OWNER OF A TRACT OR PARCEL OF LAND LOCATED WITHIN A <--
28 MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A TRACT OR
29 PARCEL OF LAND WITHIN THE MUNICIPALITY has made a written
30 request that the notice be mailed and has supplied the

1 municipality with a stamped, self-addressed envelope prior to a
2 public hearing.

3 ~~(2)~~ (3) Electronic notice shall be required only if an <--
4 affected landowner or an owner of a mineral interest in land <--
5 within a municipality OWNER OF A TRACT OR PARCEL OF LAND LOCATED <--
6 WITHIN A MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A
7 TRACT OR PARCEL OF LAND WITHIN THE MUNICIPALITY has made a
8 written request that notice be sent electronically and has
9 supplied the municipality with an electronic address prior to a
10 public hearing and only if that municipality maintains the
11 capability of generating an electronic notice. An affected <--
12 landowner or an owner of a mineral interest in land OWNER OF A <--
13 TRACT OR PARCEL OF LAND LOCATED WITHIN A MUNICIPALITY, OR AN
14 OWNER OF THE MINERAL RIGHTS IN A TRACT OR PARCEL OF LAND WITHIN
15 THE MUNICIPALITY making the request and supplying an electronic
16 address may at any time notify the municipality that the
17 affected landowner or the owner of a mineral interest in land <--
18 OWNER OF THE TRACT OR PARCEL OF LAND LOCATED WITHIN THE <--
19 MUNICIPALITY, OR THE OWNER OF THE MINERAL RIGHTS IN THE TRACT OR
20 PARCEL OF LAND WITHIN THE MUNICIPALITY no longer will accept
21 electronic notice, and in that event the municipality may no
22 longer provide electronic notice.

23 ~~(3)~~ An affected landowner or an owner of a mineral interest <--
24 in land (4) AN OWNER OF A TRACT OR PARCEL OF LAND LOCATED <--
25 WITHIN A MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A
26 TRACT OR PARCEL OF LAND WITHIN THE MUNICIPALITY who has
27 requested a mailed notice shall be solely responsible for the
28 number, accuracy and sufficiency of the envelopes supplied. The
29 municipality shall not be responsible or liable if the affected <--
30 landowner or an owner of a mineral interest in land OWNER OF A <--

1 TRACT OR PARCEL OF LAND LOCATED WITHIN A MUNICIPALITY, OR AN
2 OWNER OF THE MINERAL RIGHTS IN A TRACT OR PARCEL OF LAND WITHIN
3 THE MUNICIPALITY does not provide to the municipality notice of
4 any changes in the owner's mailing address.

5 ~~(4) An affected landowner or an owner of a mineral interest~~ <--
6 ~~in land~~ (5) AN OWNER OF A TRACT OR PARCEL OF LAND LOCATED <--
7 WITHIN A MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A
8 TRACT OR PARCEL OF LAND WITHIN THE MUNICIPALITY who has
9 requested electronic notice shall be solely responsible for the
10 accuracy and functioning of the electronic address provided to
11 the municipality. The municipality shall not be responsible or
12 liable if the affected landowner or an owner of a mineral <--
13 interest in land OWNER OF A TRACT OR PARCEL OF LAND LOCATED <--
14 WITHIN A MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A
15 TRACT OR PARCEL OF LAND WITHIN THE MUNICIPALITY does not provide
16 to the municipality notice of any changes to the owner's
17 electronic address.

18 ~~(5)~~ (6) A municipality shall deposit a mailed notice in the <--
19 United States mail or provide electronic notice not more than 30
20 and not less than seven days prior to the scheduled date of the
21 hearing as shown on the notice.

22 ~~(6)~~ (7) For each public hearing, the municipal secretary or <--
23 zoning officer shall prepare, sign and maintain a list of all
24 mailed notices, mailing dates, electronic notices and electronic
25 notice dates. The signed list shall constitute a presumption
26 that the notice was given.

27 ~~(7)~~ (8) The mailed notice shall be deemed received by an <--
28 affected landowner or an owner of a mineral interest in land <--
29 OWNER OF A TRACT OR PARCEL OF LAND LOCATED WITHIN A <--
30 MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A TRACT OR

1 PARCEL OF LAND WITHIN THE MUNICIPALITY on the date deposited in
2 the United States mail.

3 ~~(8)~~ (9) The electronic notice shall be deemed received by <--
4 an affected landowner or an owner of a mineral interest in land <--
5 OWNER OF A TRACT OR PARCEL OF LAND LOCATED WITHIN A <--
6 MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS IN A TRACT OR
7 PARCEL OF LAND WITHIN THE MUNICIPALITY on the date the
8 municipality electronically notifies the owner.

9 ~~(9)~~ (10) Failure of an affected landowner or an owner of a <--
10 mineral interest in land OWNER OF A TRACT OR PARCEL OF LAND <--
11 LOCATED WITHIN A MUNICIPALITY, OR AN OWNER OF THE MINERAL RIGHTS
12 IN A TRACT OR PARCEL OF LAND WITHIN THE MUNICIPALITY to receive
13 a requested mailed notice or electronic notice shall not be
14 deemed to invalidate any action or proceedings under this act.

15 Section 3. Section 608 of the act, carried without amendment
16 June 22, 2000 (P.L.495, No.68), is amended to read:

17 Section 608. Enactment of Zoning Ordinance.--Before voting
18 on the enactment of a zoning ordinance, the governing body shall
19 hold a public hearing thereon, pursuant to public notice, and
20 pursuant to mailed notice and electronic notice to any affected <--
21 landowner or owner of a mineral interest in land OWNER OF A <--
22 TRACT OR PARCEL OF LAND LOCATED WITHIN A MUNICIPALITY, OR AN
23 OWNER OF THE MINERAL RIGHTS IN A TRACT OR PARCEL OF LAND WITHIN
24 THE MUNICIPALITY who has made a timely request in accordance
25 with section 109. The vote on the enactment by the governing
26 body shall be within 90 days after the last public hearing.
27 Within 30 days after enactment, a copy of the zoning ordinance
28 shall be forwarded to the county planning agency or, in counties
29 where no planning agency exists, to the governing body of the
30 county in which the municipality is located.

1 Section 4. Section 609(b) (1) and (d) of the act, amended
2 January 11, 2002 (P.L.13, No.2), are amended to read:

3 Section 609. Enactment of Zoning Ordinance Amendments.--* *

4 *

5 (b) (1) Before voting on the enactment of an amendment, the
6 governing body shall hold a public hearing thereon, pursuant
7 to public notice, and pursuant to mailed notice and
8 electronic notice to an affected landowner or an owner of a <--
9 mineral interest in the affected land OWNER OF A TRACT OR <--
10 PARCEL OF LAND LOCATED WITHIN A MUNICIPALITY, OR AN OWNER OF
11 THE MINERAL RIGHTS IN A TRACT OR PARCEL OF LAND WITHIN THE
12 MUNICIPALITY who has made a timely request in accordance with
13 section 109. In addition, if the proposed amendment involves
14 a zoning map change, notice of said public hearing shall be
15 conspicuously posted by the municipality at points deemed
16 sufficient by the municipality along the tract to notify
17 potentially interested citizens. The affected tract or area
18 shall be posted at least one week prior to the date of the
19 hearing.

20 * * *

21 (d) If, after any public hearing held upon an amendment, the
22 proposed amendment is changed substantially, or is revised, to
23 include land previously not affected by it, the governing body
24 shall hold another public hearing, pursuant to public notice,
25 mailed notice and electronic notice, before proceeding to vote
26 on the amendment.

27 * * *

28 Section 5. This act shall take effect in 60 days.