

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3003 Session of
1996

INTRODUCED BY REBER AND BUNT, NOVEMBER 19, 1996

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, NOVEMBER 19, 1996

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," requiring a public utility corporation to
21 notify the municipality in which certain construction
22 projects are contemplated under the exemptions provisions of
23 this act prior to petition being filed with the Pennsylvania
24 Public Utility Commission.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. Section 619 of the act of July 31, 1968 (P.L.805,
28 No.247), known as the Pennsylvania Municipalities Planning Code,
29 reenacted and amended December 21, 1988 (P.L.1329, No.170), is

1 amended to read:

2 Section 619. Exemptions.--(a) This article shall not apply
3 to any existing or proposed building, or extension thereof, used
4 or to be used by a public utility corporation, if, upon petition
5 of the corporation, the Pennsylvania Public Utility Commission
6 shall, after a public hearing, decide that the present or
7 proposed situation of the building in question is reasonably
8 necessary for the convenience or welfare of the public. It shall
9 be the responsibility of the Pennsylvania Public Utility
10 Commission to ensure that both the corporation and the
11 municipality in which the building or proposed building is
12 located have notice of the hearing and are granted an
13 opportunity to appear, present witnesses, cross-examine
14 witnesses presented by other parties and otherwise exercise the
15 rights of a party to the proceedings.

16 (b) A public utility corporation that contemplates any
17 construction project, either new or to an existing structure,
18 and seeks an exemption under this section, shall first give
19 written notice of this project to the municipality in which the
20 proposed project is located at least 30 days prior to a petition
21 being filed with the Pennsylvania Public Utility Commission in
22 order to allow the municipality to provide written comment on
23 the proposal to the Pennsylvania Public Utility Commission.

24 Section 2. This act shall take effect immediately.