

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 201 Session of
2003

INTRODUCED BY MUNDY, BEBKO-JONES, CAWLEY, CORRIGAN, CRUZ, CURRY,
FICHTER, GODSHALL, HARHAI, HERSHEY, LAUGHLIN, LEH, McCALL,
R. MILLER, NAILOR, PRESTON, SHANER AND TIGUE,
FEBRUARY 11, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 11, 2003

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 enactment of zoning
21 ordinances.

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

24 Section 1. Section 609(b) of the act of July 31, 1968
25 (P.L.805, No.247), known as the Pennsylvania Municipalities
26 Planning Code, reenacted and amended December 21, 1988

1 (P.L.1329, No.170) and amended January 11, 2002 (P.L.13, No.2),
2 is 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. In addition, if the proposed amendment
8 involves a zoning map change, notice of said public hearing
9 shall be conspicuously posted by the municipality at points
10 deemed sufficient by the municipality along the tract to
11 notify potentially interested citizens. The affected tract or
12 area shall be posted at least one week prior to the date of
13 the hearing.

14 (2) (i) In addition to the requirement that notice be
15 posted under clause (1), where the proposed amendment
16 involves a zoning map change, notice of the public
17 hearing shall be mailed by the municipality at least 30
18 days prior to the date of the hearing by first class mail
19 to the addressees to which real estate tax bills are sent
20 for all real property located within the area being
21 rezoned, as evidenced by tax records within the
22 possession of the municipality. The notice shall include
23 the location, date and time of the public hearing. [A
24 good faith effort and substantial compliance shall
25 satisfy the requirements of this subsection.] No proposed
26 amendment involving a zoning map change, to which the
27 notice requirements of this clause apply, shall be valid
28 unless the municipality complied with the notice
29 requirements of this clause. The burden of proving
30 compliance shall be on the municipality.

1 (ii) This clause shall not apply when the rezoning
2 constitutes a comprehensive rezoning.

3 * * *

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