

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL****No. 2271** Session of  
2003

INTRODUCED BY J. TAYLOR AND LEDERER, DECEMBER 17, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 17, 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 the definitions of  
21 "city" and "municipality"; providing for large retail  
22 establishments prohibited in certain locations; making  
23 related repeals; and abrogating regulations.

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

26 Section 1. The definitions of "city" and "municipality" in  
27 section 107(a) of the act of July 31, 1968 (P.L.805, No.247),  
28 known as the Pennsylvania Municipalities Planning Code,

1 reenacted and amended December 21, 1988 (P.L.1329, No.170) and  
2 amended December 14, 1992 (P.L.815, No.131), are amended to  
3 read:

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

8 \* \* \*

9 "City" or "cities," cities of the first class, second class A  
10 and third class.

11 \* \* \*

12 "Municipality," any city [of the second class A or third  
13 class], borough, incorporated town, township of the first or  
14 second class, county [of the second class through eighth class],  
15 home rule municipality, or any similar general purpose unit of  
16 government which shall hereafter be created by the General  
17 Assembly.

18 \* \* \*

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

20 Section 622. Large Retail Establishments Prohibited in  
21 Certain Locations.--(a) Notwithstanding any other provisions of  
22 law to the contrary, a retail establishment of 100,000 square  
23 feet or larger shall not be established or operated within 1,200  
24 feet of a hospital established prior to the retail  
25 establishment.

26 (b) The provisions of this section shall apply whether or  
27 not an occupancy permit or certificate of use has been issued to  
28 the owner or operator of the retail establishment prior to the  
29 effective date of this section.

30 (c) This section shall not apply to a retail establishment

1 operating prior to December 15, 2003.

2 (d) As used in this section, the term "hospital" shall mean  
3 a community hospital licensed by the Department of Health which  
4 has no more than 250 beds.

5 Section 3. All home rule charter provisions are abrogated to  
6 the extent that they are inconsistent with the provisions of  
7 this act.

8 Section 4. The following acts and parts of acts are repealed  
9 insofar as they are inconsistent with this act:

10 Act of June 25, 1919 (P.L.581, No.274), referred to as the  
11 First Class City Government Law.

12 Act of April 21, 1949 (P.L.665, No.155), known as the First  
13 Class City Home Rule Act.

14 Section 5. This act shall take effect immediately.