

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1398 Session of  
2008

INTRODUCED BY MCILHINNEY AND GREENLEAF, MAY 12, 2008

REFERRED TO LOCAL GOVERNMENT, MAY 12, 2008

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," in appeals to court, further providing for  
21 intervention.

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

24 Section 1. Section 1004-A 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  
27 (P.L.1329, No.170), is amended to read:

1 Section 1004-A. Intervention.--

2 (a) Within the 30 days first following the filing of a land  
3 use appeal, if the appeal is from a board or agency of a  
4 municipality, the municipality and any owner or tenant of  
5 property directly involved in the action appealed from may  
6 intervene as of course by filing a notice of intervention,  
7 accompanied by proof of service of the same, upon each appellant  
8 or each appellant's counsel of record.

9 (b) The zoning hearing board may not intervene or otherwise  
10 become a party in a land use appeal.

11 (c) All other intervention shall be governed by the  
12 Pennsylvania Rules of Civil Procedure.

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