

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1484 Session of 2011

INTRODUCED BY STEVENSON, BAKER, CALTAGIRONE, CARROLL, CAUSER, CLYMER, CREIGHTON, CUTLER, EVERETT, FLECK, GEIST, GIBBONS, GILLEN, GINGRICH, GODSHALL, GRELL, HALUSKA, HARHART, HARKINS, HORNAMAN, M. K. KELLER, KOTIK, KRIEGER, MAJOR, MILLARD, MILLER, MOUL, MUNDY, MURT, MUSTIO, PICKETT, RAPP, READSHAW, REICHLEY, SONNEY, STERN AND VULAKOVICH, MAY 9, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 9, 2011

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 a definition 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 "Mailed notice," notice given by a municipality by first
9 class mail to a landowner or an owner of a mineral interest in
10 land of the time and place of a public hearing and the
11 particular nature of the matter to be considered at the hearing.

12 * * *

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

14 Section 109. Mailed Notice.--In any case in which mailed
15 notice is required by this act, the following shall apply:

16 (1) The mailed notice shall be required only if a landowner
17 or an owner of a mineral interest in land within a municipality
18 has made a request that the notice be mailed and has supplied
19 the municipality with a stamped, self-addressed envelope prior
20 to the public hearing.

21 (2) A landowner or an owner of a mineral interest in land
22 who has requested a mailed notice shall be solely responsible
23 for the number, accuracy and sufficiency of the envelopes
24 supplied.

25 (3) A municipality shall deposit a mailed notice in the
26 United States mail not more than 30 and not less than seven days
27 prior to the scheduled date of the hearing as shown on the
28 notice.

29 (4) For each public hearing for which a mailed notice has
30 been requested, the municipal secretary or other person

1 designated by the municipal governing body shall prepare, sign
2 and maintain a list of all mailed notices and the mailing dates.
3 The signed list shall constitute a presumption that the mailed
4 notice was given.

5 (5) The mailed notice shall be deemed received by a
6 landowner or an owner of a mineral interest in land on the date
7 deposited in the United States mail.

8 (6) Failure of a landowner or an owner of a mineral interest
9 in land to receive a requested mailed notice shall not be deemed
10 to invalidate any action or proceedings under this act.

11 Section 3. Section 302(b) of the act, amended June 22, 2000
12 (P.L.495, No.68), is amended to read:

13 Section 302. Adoption of Municipal, Multimunicipal and
14 County Comprehensive Plans and Plan Amendments.--* * *

15 (b) The governing body shall hold at least one public
16 hearing pursuant to public notice and mailed notice. If, after
17 the public hearing held upon the proposed plan or amendment to
18 the plan, the proposed plan or proposed amendment thereto is
19 substantially revised, the governing body shall hold another
20 public hearing, pursuant to public notice and mailed notice,
21 before proceeding to vote on the plan or amendment thereto.

22 * * *

23 Section 4. Sections 402(b), 504(a) and 505(a) of the act are
24 amended to read:

25 Section 402. Adoption of the Official Map and Amendments
26 Thereto.--* * *

27 (b) The county and adjacent municipalities may offer
28 comments and recommendations during said 45-day review period in
29 accordance with section 408. Local authorities, park boards,
30 environmental boards and similar public bodies may also offer

1 comments and recommendations to the governing body or planning
2 agency if requested by same during said 45-day review period.
3 Before voting on the enactment of the proposed ordinance and
4 official map, or part thereof or amendment thereto, the
5 governing body shall hold a public hearing pursuant to public
6 notice and mailed notice.

7 * * *

8 Section 504. Enactment of Subdivision and Land Development
9 Ordinance.--(a) Before voting on the enactment of a proposed
10 subdivision and land development ordinance, the governing body
11 shall hold a public hearing thereon pursuant to public notice
12 and mailed notice. A brief summary setting forth the principal
13 provisions of the proposed ordinance and a reference to the
14 place within the municipality where copies of the proposed
15 ordinance may be secured or examined shall be incorporated in
16 the public notice and the mailed notice. Unless the proposed
17 subdivision and land development ordinance shall have been
18 prepared by the planning agency, the governing body shall submit
19 the ordinance to the planning agency at least 45 days prior to
20 the hearing on such ordinance to provide the planning agency an
21 opportunity to submit recommendations. If a county planning
22 agency shall have been created for the county in which the
23 municipality adopting the ordinance is located, then, at least
24 45 days prior to the public hearing on the ordinance, the
25 municipality shall submit the proposed ordinance to said county
26 planning agency for recommendations.

27 * * *

28 Section 505. Enactment of Subdivision and Land Development
29 Ordinance Amendment.--(a) Amendments to the subdivision and
30 land development ordinance shall become effective only after a

1 public hearing held pursuant to public notice and mailed notice
2 in the manner prescribed for enactment of a proposed ordinance
3 by this article. In addition, in case of an amendment other than
4 that prepared by the planning agency, the governing body shall
5 submit each such amendment to the planning agency for
6 recommendations at least 30 days prior to the date fixed for the
7 public hearing on such proposed amendment. If a county planning
8 agency shall have been created for the county in which the
9 municipality proposing the amendment is located, then, at least
10 30 days prior to the hearing on the amendment, the municipality
11 shall submit the proposed amendment to said county planning
12 agency for recommendations.

13 * * *

14 Section 5. Section 608 of the act, carried without amendment
15 June 22, 2000 (P.L.495, No.68), is amended to read:

16 Section 608. Enactment of Zoning Ordinance.--Before voting
17 on the enactment of a zoning ordinance, the governing body shall
18 hold a public hearing thereon, pursuant to public notice and
19 mailed notice. The vote on the enactment by the governing body
20 shall be within 90 days after the last public hearing. Within 30
21 days after enactment, a copy of the zoning ordinance shall be
22 forwarded to the county planning agency or, in counties where no
23 planning agency exists, to the governing body of the county in
24 which the municipality is located.

25 Section 6. Section 609(b) (1) and (d) of the act, amended
26 January 11, 2002 (P.L.13, No.2), are amended to read:

27 Section 609. Enactment of Zoning Ordinance Amendments.--* *
28 *

29 (b) (1) Before voting on the enactment of an amendment, the
30 governing body shall hold a public hearing thereon, pursuant to

1 public notice and mailed notice. In addition, if the proposed
2 amendment involves a zoning map change, notice of said public
3 hearing shall be conspicuously posted by the municipality at
4 points deemed sufficient by the municipality along the tract to
5 notify potentially interested citizens. The affected tract or
6 area shall be posted at least one week prior to the date of the
7 hearing.

8 * * *

9 (d) If, after any public hearing held upon an amendment, the
10 proposed amendment is changed substantially, or is revised, to
11 include land previously not affected by it, the governing body
12 shall hold another public hearing, pursuant to public notice and
13 mailed notice, before proceeding to vote on the amendment.

14 * * *

15 Section 7. This act shall take effect in 60 days.