

## 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, VULAKOVICH AND FARRY, MAY 9, 2011

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 13, 2012

## 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~~

3 DEFINITIONS to 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 "ELECTRONIC NOTICE," NOTICE GIVEN BY A MUNICIPALITY THROUGH  
10 THE INTERNET TO A LANDOWNER OR AN OWNER OF A MINERAL INTEREST IN  
11 LAND OF THE TIME AND PLACE OF A PUBLIC HEARING AND THE  
12 PARTICULAR NATURE OF THE MATTER TO BE CONSIDERED AT THE HEARING.

13 \* \* \*

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

18 \* \* \*

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

20 Section 109. Mailed Notice.--In any case in which mailed  
21 notice OR ELECTRONIC NOTICE is required by this act, the  
22 following shall apply:

23 (1) The mailed MAILED notice shall be required only if a  
24 landowner or an owner of a mineral interest in land within a  
25 municipality has made a request that the notice be mailed and  
26 has supplied the municipality with a stamped, self-addressed  
27 envelope prior to the public hearing.

28 (2) ELECTRONIC NOTICE SHALL BE REQUIRED ONLY IF A LANDOWNER  
29 OR AN OWNER OF A MINERAL INTEREST IN LAND WITHIN A MUNICIPALITY  
30 HAS MADE A REQUEST THAT NOTICE BE SENT ELECTRONICALLY AND HAS

1 SUPPLIED THE MUNICIPALITY WITH AN ELECTRONIC ADDRESS PRIOR TO  
2 THE PUBLIC HEARING AND ONLY IF THAT MUNICIPALITY MAINTAINS THE  
3 CAPABILITY OF GENERATING AN ELECTRONIC NOTICE. LANDOWNERS OR AN  
4 OWNER OF A MINERAL INTEREST IN LAND MAKING SUCH A REQUEST AND  
5 SUPPLYING AN ELECTRONIC ADDRESS MAY AT ANY TIME NOTIFY THE  
6 MUNICIPALITY THAT THEY NO LONGER WILL ACCEPT ELECTRONIC NOTICE,  
7 SUCH THAT THE MUNICIPALITY MAY NO LONGER PROVIDE ELECTRONIC  
8 NOTICE.

9 ~~(2)~~ (3) A landowner or an owner of a mineral interest in ←  
10 land who has requested a mailed notice shall be solely  
11 responsible for the number, accuracy and sufficiency of the  
12 envelopes supplied. THE MUNICIPALITY SHALL NOT BE RESPONSIBLE OR ←  
13 LIABLE IF THE LANDOWNER OR AN OWNER OF A MINERAL INTEREST IN  
14 LAND DOES NOT PROVIDE TO THE MUNICIPALITY NOTICE OF ANY CHANGES  
15 IN THE OWNER'S MAILING ADDRESS.

16 (4) A LANDOWNER OR AN OWNER OF A MINERAL INTEREST IN LAND  
17 WHO HAS REQUESTED ELECTRONIC NOTICE SHALL BE SOLELY RESPONSIBLE  
18 FOR THE ACCURACY AND FUNCTIONING OF THE ELECTRONIC ADDRESS  
19 PROVIDED TO THE MUNICIPALITY. THE MUNICIPALITY SHALL NOT BE  
20 RESPONSIBLE OR LIABLE IF THE LANDOWNER OR AN OWNER OF A MINERAL  
21 INTEREST IN LAND DOES NOT PROVIDE TO THE MUNICIPALITY NOTICE OF  
22 ANY CHANGES TO THE OWNER'S ELECTRONIC ADDRESS.

23 ~~(3)~~ (5) A municipality shall deposit a mailed notice in the ←  
24 United States mail OR PROVIDE ELECTRONIC NOTICE not more than 30 ←  
25 and not less than seven days prior to the scheduled date of the  
26 hearing as shown on the notice.

27 ~~(4)~~ (6) For each public hearing for which a mailed notice OR ←  
28 ELECTRONIC NOTICE has been requested, the municipal secretary or  
29 other person designated by the municipal governing body shall  
30 prepare, sign and maintain a list of all mailed notices and the ←

1 ~~mailing dates~~, MAILING DATES, ELECTRONIC NOTICES AND ELECTRONIC  
2 NOTICE DATES. The signed list shall constitute a presumption  
3 that the ~~mailed~~ notice was given.

4 ~~(5)~~ (7) The mailed notice shall be deemed received by a  
5 landowner or an owner of a mineral interest in land on the date  
6 deposited in the United States mail.

7 (8) THE ELECTRONIC NOTICE SHALL BE DEEMED RECEIVED BY A  
8 LANDOWNER OR AN OWNER OF A MINERAL INTEREST IN LAND ON THE DATE  
9 THE MUNICIPALITY ELECTRONICALLY NOTIFIES THE OWNER.

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

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

16 Section 302. Adoption of Municipal, Multimunicipal and  
17 County Comprehensive Plans and Plan Amendments.--\* \* \*

18 (b) The governing body shall hold at least one public  
19 hearing pursuant to public notice ~~and mailed notice~~, MAILED  
20 NOTICE AND ELECTRONIC NOTICE. If, after the public hearing held  
21 upon the proposed plan or amendment to the plan, the proposed  
22 plan or proposed amendment thereto is substantially revised, the  
23 governing body shall hold another public hearing, pursuant to  
24 public notice ~~and mailed notice~~, MAILED NOTICE AND ELECTRONIC  
25 NOTICE, before proceeding to vote on the plan or amendment  
26 thereto.

27 \* \* \*

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

30 Section 402. Adoption of the Official Map and Amendments

1 Thereto.--\* \* \*

2 (b) The county and adjacent municipalities may offer  
3 comments and recommendations during said 45-day review period in  
4 accordance with section 408. Local authorities, park boards,  
5 environmental boards and similar public bodies may also offer  
6 comments and recommendations to the governing body or planning  
7 agency if requested by same during said 45-day review period.  
8 Before voting on the enactment of the proposed ordinance and  
9 official map, or part thereof or amendment thereto, the  
10 governing body shall hold a public hearing pursuant to public  
11 notice ~~and mailed notice~~, MAILED NOTICE AND ELECTRONIC NOTICE. ←

12 \* \* \*

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

1 municipality shall submit the proposed ordinance to said county  
2 planning agency for recommendations.

3 \* \* \*

4 Section 505. Enactment of Subdivision and Land Development  
5 Ordinance Amendment.--(a) Amendments to the subdivision and  
6 land development ordinance shall become effective only after a  
7 public hearing held pursuant to public notice ~~and mailed notice,~~ ←  
8 MAILED NOTICE AND ELECTRONIC NOTICE in the manner prescribed for  
9 enactment of a proposed ordinance by this article. In addition,  
10 in case of an amendment other than that prepared by the planning  
11 agency, the governing body shall submit each such amendment to  
12 the planning agency for recommendations at least 30 days prior  
13 to the date fixed for the public hearing on such proposed  
14 amendment. If a county planning agency shall have been created  
15 for the county in which the municipality proposing the amendment  
16 is located, then, at least 30 days prior to the hearing on the  
17 amendment, the municipality shall submit the proposed amendment  
18 to said county planning agency for recommendations.

19 \* \* \*

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

22 Section 608. Enactment of Zoning Ordinance.--Before voting  
23 on the enactment of a zoning ordinance, the governing body shall  
24 hold a public hearing thereon, pursuant to public notice ~~and~~ ←  
25 ~~mailed notice,~~ MAILED NOTICE AND ELECTRONIC NOTICE. The vote on ←  
26 the enactment by the governing body shall be within 90 days  
27 after the last public hearing. Within 30 days after enactment, a  
28 copy of the zoning ordinance shall be forwarded to the county  
29 planning agency or, in counties where no planning agency exists,  
30 to the governing body of the county in which the municipality is

1 located.

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

4 Section 609. Enactment of Zoning Ordinance Amendments.--\* \*  
5 \*

6 (b) (1) Before voting on the enactment of an amendment, the  
7 governing body shall hold a public hearing thereon, pursuant to  
8 public notice ~~and mailed notice~~, MAILED NOTICE AND ELECTRONIC ←  
9 NOTICE. In addition, if the proposed amendment involves a zoning  
10 map change, notice of said public hearing shall be conspicuously  
11 posted by the municipality at points deemed sufficient by the  
12 municipality along the tract to notify potentially interested  
13 citizens. The affected tract or area shall be posted at least  
14 one week prior to the date of the hearing.

15 \* \* \*

16 (d) If, after any public hearing held upon an amendment, the  
17 proposed amendment is changed substantially, or is revised, to  
18 include land previously not affected by it, the governing body  
19 shall hold another public hearing, pursuant to public notice ~~and~~ ←  
20 ~~mailed notice~~, MAILED NOTICE AND ELECTRONIC NOTICE, before ←  
21 proceeding to vote on the amendment.

22 \* \* \*

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