

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 477 Session of 2011

INTRODUCED BY BROWNE, FONTANA, RAFFERTY, EARLL, TARTAGLIONE,
BOSCOLA AND M. WHITE, FEBRUARY 11, 2011

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 11, 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," providing for compelled removal.

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

23 Section 1. The act of July 31, 1968 (P.L.805, No.247), known
24 as the Pennsylvania Municipalities Planning Code, reenacted and
25 amended December 21, 1988 (P.L.1329, No.170), is amended by
26 adding a section to read:

27 Section 919. Compelled Removal.--(a) The following shall

apply in cases in which an outdoor advertising display is
lawfully placed on a lot:

(1) If the land use ordinances in effect at the time an
outdoor advertising display is lawfully placed on a lot do
not require that the outdoor advertising display be removed
as a condition or prerequisite for concurrent use approval,
those ordinances, if not amended, shall not be subsequently
applied so as to require that the outdoor advertising display
be removed as a condition or prerequisite for concurrent use
approval.

(2) If the land use ordinances or amendments adopted
after an outdoor advertising display has been lawfully placed
on a lot prohibit concurrent use approval, the outdoor
advertising display shall be deemed a preexisting
nonconforming use with regard to that prohibition and as
such, the municipality may not enforce a subsequently adopted
provision in the land use ordinance which would require that
the preexisting nonconforming outdoor advertising display be
removed as a condition or prerequisite to concurrent use
approval.

(3) The protection afforded an outdoor advertising
display under paragraphs (1) and (2) shall not apply if the
requested permit, license or approval is for construction of
a building or structure which cannot be built without
physically removing the outdoor advertising display.

(b) The term "concurrent use approval" as used in this
section shall mean the issuance or continuance of a permit,
license or other approval for a particular use, structure,
development or activity on the lot on which the outdoor
advertising display has been placed.

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