

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 515 Session of 2013

INTRODUCED BY STEVENSON, BAKER, M. K. KELLER, CALTAGIRONE,  
 CUTLER, GINGRICH, MARSHALL, MILLARD, MAJOR, MUNDY, KORTZ,  
 HARKINS, FLECK, C. HARRIS, MOUL, CAUSER, PICKETT, CARROLL,  
 MILLER, CLYMER, SWANGER, ROCK, GRELL AND GILLEN,  
 FEBRUARY 5, 2013

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 5, 2013

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  
 26 Planning Code, reenacted and amended December 21, 1988

1 (P.L.1329, No.170), is amended by adding definitions to read:

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

6 \* \* \*

7 "Electronic notice," notice given by a municipality through  
8 the Internet to a landowner or an owner of a mineral interest in  
9 land of the time and place of a public hearing and the  
10 particular nature of the matter to be considered at the hearing.

11 \* \* \*

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

16 \* \* \*

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

18 Section 109. Notice.--In any case in which mailed notice or  
19 electronic notice is required by this act, the following shall  
20 apply:

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

26 (2) Electronic notice shall be required only if a landowner  
27 or an owner of a mineral interest in land within a municipality  
28 has made a request that notice be sent electronically and has  
29 supplied the municipality with an electronic address prior to  
30 the public hearing and only if that municipality maintains the

1 capability of generating an electronic notice. A landowner or an  
2 owner of a mineral interest in land making the request and  
3 supplying an electronic address may at any time notify the  
4 municipality that the landowner or the owner of a mineral  
5 interest in land no longer will accept electronic notice, and in  
6 that event the municipality may no longer provide electronic  
7 notice.

8 (3) A landowner or an owner of a mineral interest in land  
9 who has requested a mailed notice shall be solely responsible  
10 for the number, accuracy and sufficiency of the envelopes  
11 supplied. The municipality shall not be responsible or liable if  
12 the landowner or an owner of a mineral interest in land does not  
13 provide to the municipality notice of any changes in the owner's  
14 mailing address.

15 (4) A landowner or an owner of a mineral interest in land  
16 who has requested electronic notice shall be solely responsible  
17 for the accuracy and functioning of the electronic address  
18 provided to the municipality. The municipality shall not be  
19 responsible or liable if the landowner or an owner of a mineral  
20 interest in land does not provide to the municipality notice of  
21 any changes to the owner's electronic address.

22 (5) A municipality shall deposit a mailed notice in the  
23 United States mail or provide electronic notice not more than 30  
24 and not less than seven days prior to the scheduled date of the  
25 hearing as shown on the notice.

26 (6) For each public hearing for which a mailed notice or  
27 electronic notice has been requested, the municipal secretary or  
28 other person designated by the municipal governing body shall  
29 prepare, sign and maintain a list of all mailed notices, mailing  
30 dates, electronic notices and electronic notice dates. The

1 signed list shall constitute a presumption that the notice was  
2 given.

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

6 (8) The electronic notice shall be deemed received by a  
7 landowner or an owner of a mineral interest in land on the date  
8 the municipality electronically notifies the owner.

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

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

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

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

25 \* \* \*

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

28 Section 402. Adoption of the Official Map and Amendments  
29 Thereto.--\* \* \*

30 (b) The county and adjacent municipalities may offer

1 comments and recommendations during said 45-day review period in  
2 accordance with section 408. Local authorities, park boards,  
3 environmental boards and similar public bodies may also offer  
4 comments and recommendations to the governing body or planning  
5 agency if requested by same during said 45-day review period.  
6 Before voting on the enactment of the proposed ordinance and  
7 official map, or part thereof or amendment thereto, the  
8 governing body shall hold a public hearing pursuant to public  
9 notice, mailed notice and electronic notice.

10 \* \* \*

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

1 \* \* \*

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

17 \* \* \*

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

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

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

1 Section 609. Enactment of Zoning Ordinance Amendments.--\* \*

2 \*

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

12 \* \* \*

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

18 \* \* \*

19  
20 Section 7. This act shall take effect in 60 days.