

No. 2009-23

AN ACT

HB 263

Amending the act of April 28, 1978 (P.L.87, No.41), entitled "An act authorizing the Commonwealth of Pennsylvania, through the Department of Conservation and Natural Resources, to enter into such agreements and to acquire such interest as may be necessary to establish, protect and maintain the Appalachian Trail, and providing for the establishment, protection and maintenance of such trail," further providing for the content of zoning ordinances; and extending the time period necessary to implement certain provisions.

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

Section 1. Section 4 of the act of April 28, 1978 (P.L.87, No.41), known as the Pennsylvania Appalachian Trail Act, amended June 11, 2008 (P.L.175, No.24), is amended to read:

Section 4. Municipalities; powers and duties.

(a) A municipality, as defined in the Pennsylvania Municipalities Planning Code, through which the Appalachian Trail passes shall have the power and their duty shall be to take such action consistent with applicable law, as at least an interim measure, to preserve the natural, scenic, historic and esthetic values of the trail and to conserve and maintain it as a public natural resource. Such action shall include the adoption, implementation and enforcement of **[zoning ordinances as the governing body deems necessary]** *a zoning ordinance the content of which the governing body deems appropriate* to preserve those values. Such municipalities may act hereunder in that section of the municipality through which the Appalachian Trail passes without zoning the entire municipality as required under section 605 of the Pennsylvania Municipalities Planning Code.

(b) The Department of Community and Economic Development shall assist municipalities in complying with the provisions of this section by furnishing technical assistance relating to zoning matters. The Department of Community and Economic Development shall notify each municipality which is required to comply with the provisions of subsection (e) within 30 days of the effective date of this subsection.

(c) The Department of Conservation and Natural Resources shall assist municipalities in the identification and acquisition of property appropriate for a conservation easement or other protection measures and provide information to municipalities relating to protection measures such as conservation easements and other techniques through its grant programs, subject to availability of funding, eligibility and the terms, rules, procedures and requirements thereof.

(d) Municipalities which have not adopted zoning ordinances under subsection (a) as of the effective date of this subsection shall receive priority

for grant funding under the Land Use Planning and Technical Assistance Program of the Department of Community and Economic Development.

(e) (1) Municipalities shall implement zoning ordinances under subsection (a) within **[one year of the effective date of this subsection] two years of August 11, 2008.**

(2) A municipality shall not be required to implement a zoning ordinance under subsection (a) if, on **[the effective date of this subsection] August 11, 2008**, all of the property adjoining the Appalachian Trail in the municipality is:

(i) owned by the Department of Conservation and Natural Resources; or
(ii) operated as a game preserve by a nonprofit, nonstock corporation which is qualified as an exempt organization under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).

(3) If title to property under paragraph (2) is transferred or the use of such property changes, the municipality shall implement a zoning ordinance under subsection (a) within one year of the date the title to the property is transferred or the use of the property changes.

Section 2. This act shall take effect immediately.

APPROVED—The 17th day of July, A.D. 2009.

EDWARD G. RENDELL