



Legislation in Pennsylvania

By David H. Comer

House Bill No. 1281, now known as Act 24, amends the Pennsylvania Appalachian Trail Act by further providing for actions by municipalities and their powers and duties. By way of background, the Pennsylvania Appalachian Trail Act provides that 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.” Act 24 adds that such action, as referenced in the Pennsylvania Appalachian Trail Act, shall include “the adoption, implementation and enforcement of zoning ordinances as the governing body deems necessary to preserve those values.”

Act 24 adds that the Department of Community and Economic Development shall notify each applicable municipality within 30 days of the effective date. Act 24 was approved by the Governor on June 11, 2008, and took effect on August 10, 2008.

Under Act 24, affected municipalities are to implement zoning ordinances as stated above within one year from the effective date. However, Act 24 carves out exceptions to the foregoing requirement. For example, a municipality is not required to implement a zoning ordinance under this legislation if, on the effective date, all of the property adjoining the Appalachian Trail in the municipality is owned by the Department of Conservation and Natural Resources or it is operated as a game preserve by a nonprofit, nonstock corporation qualified as an exempt organization under Section 501(c) of the Internal Revenue Code of 1986.

For more information about this topic, contact David Comer at dcomer@foxrothschild.com or 610.397.7963.



Fox Rothschild LLP
ATTORNEYS AT LAW

© 2009 Fox Rothschild LLP. All rights reserved. This publication is intended for general information purposes only. It does not constitute legal advice. The reader should consult with knowledgeable legal counsel to determine how applicable laws apply to specific facts and situations. This publication is based on the most current information at the time it was written. Since it is possible that the laws or other circumstances may have changed since publication, please call us to discuss any action you may be considering as a result of reading this publication.