



Legislative Locator

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August 2019

TAKE ACTION!

The General Assembly Returns in September: *Does Your House Member Know Your Municipality's Concerns with HB 1400?*

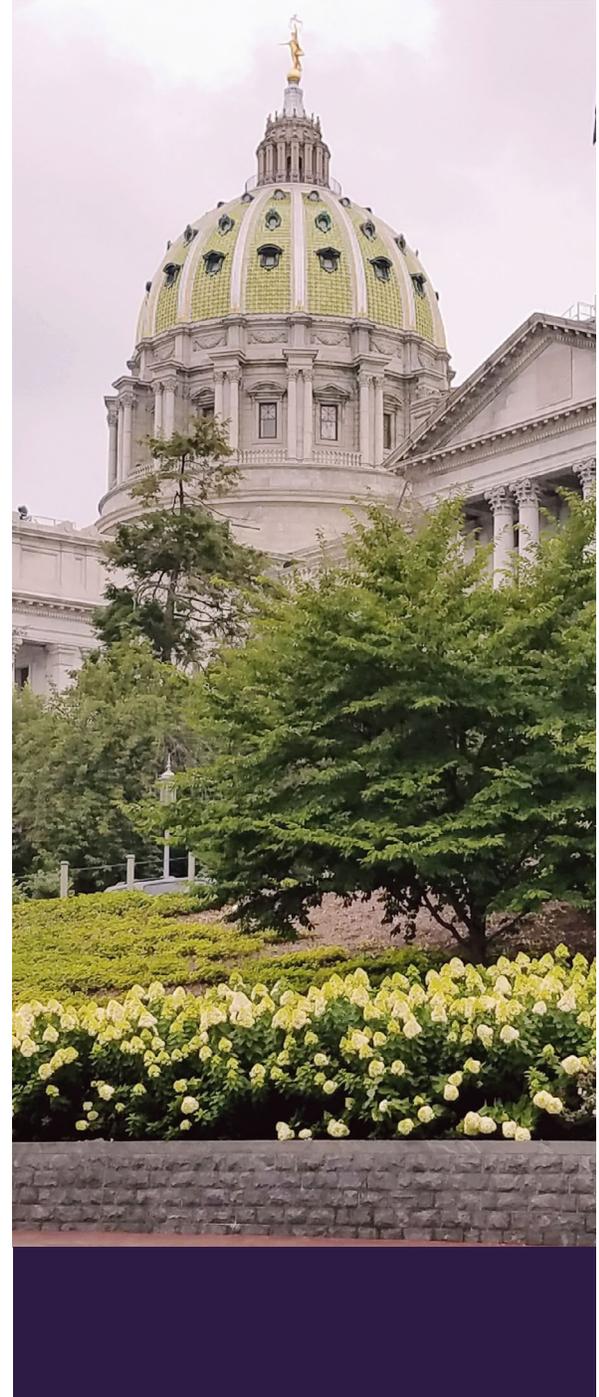
Summer recess is almost over. The House will return on September 17 and the Senate on September 23. The League is preparing for a busy fall session with action on many important issues, including House Bill 1400 – the Small Wireless Facilities Deployment Act. Please be sure your House Member is aware of your concern with the local zoning preemption in the bill, as well as the fact that the bill goes beyond the current FCC Order regarding right-of-way management fees, the size of the facilities, and aesthetic guidelines. It's important to ask why a state law more restrictive than the FCC Order is necessary.

Oppose Federal Mandates for Bigger Trucks

Special interest groups are again lobbying Congress to allow big trucks to increase the length and maximum load of their hauls. This means longer double-trailer trucks and heavier single-trailer trucks on local roads. Authorizing these weight increases will negatively impact local communities by exacerbating already deteriorating local roads and bridges. As you are know, the structural integrity of existing local infrastructure is becoming increasingly compromised.

PML and PSATC, in partnership with the National League of Cities (NLC) and the Coalition Against Bigger Trucks (CABT), ask that you review and add your name to CABT's [national letter of opposition](#) to Pennsylvania's members of Congress.

Please send an email simply stating “Add My Name” along with your title, to Josh Collins, Regional Director, Coalition Against Bigger Trucks at jcollins@cabt.org. Elected officials, city managers, engineers, public works directors and other appointed officials are encouraged to add their name in opposition to these federal mandates for bigger trucks.



LEGISLATION ENACTED

Act 63 of 2019

Senate Bill 321 (PN 966)

Signed: July 2, 2019

Effective: Immediately

Act 63 amends Title 53 (Municipalities Generally) by adding Chapter 5 entitled “Prohibition Options.” This chapter authorizes a municipality in a county of the third class with a population of at least 500,000, based on the most recent Federal Decennial Census (Lancaster), to prohibit video gaming terminals at truck stops. A municipality must pass a resolution and deliver it to the Gaming Control Board within 60 days of the effective date of this Act to exercise the prohibition. In addition, a prohibition shall not be affected by county reclassification as a result of the next Federal Decennial Census. The prohibition may be removed, at any time, by delivering a new resolution to the Gaming Control Board. The Gaming Control Board will refund all fees to any applicants that have been approved for video gaming terminal licenses in a municipality that prohibits them.

COSPONSOR MEMOS TO WATCH

Municipal Engineers

Representative Tina Davis issued cosponsor memo [HCO2397](#) as intent to introduce legislation that will require townships of the first and second class, boroughs and third class cities to appoint at least two municipal engineers through a competitive bidding process. If a municipality is unable to appoint an additional engineer, a waiver can be obtained through application to the Department of Labor and Industry based on certain criteria.

Sterling Act – Reimbursement and Credit

Senator Robert Tomlinson issued cosponsor memo [SCO489](#) as intent to introduce legislation that will allow the Non-Resident Wage Tax imposed under the Sterling Act on persons working in Philadelphia to be returned to the municipality of residence.

Cannabis Legalization – State Store System

Representative David Dellosa introduced [HCO2215](#) as intent to introduce legislation that will legalize adult use of cannabis with sales permitted only through the current State Store System.

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Repeal of Separations Act

House Bill 163 (PN 2190), introduced by Representative Garth Everett, repeals the Separations Act of 1913. All current contracts, obligations or collective bargaining agreements entered into under the Separations Act will not be impaired by the repeal.

If enacted, this legislation will take effect in 60 days.

Location: *House Rules Committee, June 19, 2019*

Wedding Barns – UCC Safety Provisions

Senate Bill 453 (PN 716), introduced by Senator Ward, amends the Pa Construction Code Act exempting historical agricultural buildings used as venues to host weddings and other social events from PA's building code requirements. The bill specifically defines a historical agricultural building as a building constructed before 1999 that is used by the general public for weddings, receptions, and other social events.

These buildings shall be excluded from the UCC when the owner files annually with the municipality that the following conditions are met. If the owner fails to file, the municipality may inspect the building at the owner's expense to determine if the conditions are met:

- a code administrator has filed an inspection report stating that the building complies with fire safety provisions for historic buildings under the ICC's Existing Building Code, provided the building is not required to install sprinklers;
- the building has functioning, hard-wired smoke detectors if electric has been installed in the interior, or battery operated smoke detectors if no wiring has been installed;
- portable fire extinguishers are placed in the building consistent with the UCC;
- any electrical wiring is certified to comply with the UCC;
- smoking is prohibited in the building;
- open flames are prohibited except for the purpose of reheating or maintaining food temperatures;
- the owner maintains liability insurance on the building;
- maximum occupancy signs are posted at external entrances;
- a sign is posted stating the facility is subject to alternate commercial building and safety requirements;
- toilet facilities are provided in accordance with UCC;
- an inspection report states compliance with the accessibility provisions for historic buildings in the ICC's Existing Building Code;
- an inspection report states compliance with the change of use provisions for historic buildings in the ICC's Existing Building Code; and
- the primary function remains on the level of exit discharge. The occupancy of stories in a multilevel building must be determined by the code administrator and may not exceed levels determined by the ICC.

No penalties for noncompliance are outlined in this bill.

Location: *Passed Senate; House Labor and Industry Committee, May 8, 2019*

LEGISLATION OF INTEREST

Municipal Police Enhancement Consolidation Grant Program

Senate Bill 472 (PN 521) and **House Bill 1006 (PN 1156)**, introduced by Senator Jim Brewster and Representative Austin Davis are identical bills that amend Title 53 (Municipalities Generally) establishing the Municipal Police Enhancement Consolidation Grant Program.

The Program, administered by the PA Commission on Crime and Delinquency, provides grant money to municipal police departments for:

- consolidation;
- achieving accreditation standards of the International Association of Chiefs of Police;
- training and certification of municipal police officers;
- community outreach programs; and
- enhanced mental health services for municipal police officers.

Grants to police departments shall be awarded in amounts between \$5,000 and \$15,000, depending on moneys available in the fund.

Police departments with ten or fewer officers shall be eligible for any excess grant moneys for consolidation and for achieving accreditation.

The source of funding for the Program shall come from a Severance Tax on the extraction of natural gas in the Commonwealth. The first \$10,000,000 shall be deposited into the Municipal Police Enhancement Consolidation Grant Program Fund each year. No more than \$500,000 may be used for administrative costs of the Program. Grants shall be allocated as follows: 25% for consolidation and 75% for the other purposes listed above.

If enacted, this legislation will take effect in 60 days.

Location: *Senate Bill 472: Senate Law and Justice Committee, March 28, 2019*

House Bill 1006: House Local Government Committee, April 2, 2019

Short-Term Rental Registry

House Bill 787 (PN 1834), introduced by Representative Doyle Heffley, amends Title 48 (Lodging and Housing) adding Chapter 14 – Hosting Platforms. The Chapter requires online home sharing and short-term rental companies doing business in Pennsylvania to register with the state and to share their information with taxing authorities.

The bill defines a hosting platform as a publically accessible Internet website whereupon an owner or lessee of a residential unit may advertise for the rental of residential property in exchange for a fee or other charge. Hotel or hotel corporation websites are not included.

All hosting platforms must register with the Department of Revenue before booking any lodging reservations. Penalties of \$1,000 per listing for failure to register shall apply. A hosting platform must provide a list of all the properties advertised for

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rent on the website to the Department of Revenue. The list must be updated every quarter. Penalties of \$1,000 per listing for failure to update the list apply.

The Department of Revenue will share the hosting platform websites and the list of all the properties for rent with the Treasurer of each county. Municipalities may request the list of hosting platforms and rental property addresses from their county.

Both lists shall be considered open records except for the residential and the business address of the property host, which shall not be considered an open record.

If enacted, this legislation will take effect in 180 days.

Location: *Received First Consideration in the House, May 14, 2019*

Permits and Improvements Shared with County Assessment Office

House Bill 1034 (PN 1206) and **Senate Bill 493 (PN 527)**, introduced by Representative Garth Everett and Senator Tim Kearney, amend Title 53 (Municipalities Generally), relating to the submission of abstracts of building and demolition permits to the county assessment office.

Under these bills, all municipalities, third-party inspectors, and the Department of Labor and Industry must forward a copy of issued building and demolition permits to the county assessment office. Permit information may be sent electronically on a form developed by the assessment office and are not subject to the provisions of the Right-to-Know Law.

If an entity intentionally fails to submit copies of permits to the assessment office, the assessment office may institute an action against that party before the Court of Common Pleas.

Further, a county may, by ordinance, require submission of an improvement certification form to the assessment office by a property owner who makes substantial improvements to his property (regardless of whether a building permit is required). The county may provide for the electronic submission of the improvement certification form and may impose a fee not greater than \$5.

If a property owner intentionally fails to report a substantial improvement, the Board of Assessment Appeals may assess a civil penalty not greater than \$100.

If enacted, both bills will take effect in 60 days.

Location: *House Bill 1034: Passed House; Senate Local Government Committee, June 20, 2019*

Senate Bill 493: Received First Consideration in the Senate, June 18, 2019

Number of Borough Council Members

House Bill 1036 (PN 1208), introduced by Representative Dan Moul, amends Title 8 (Boroughs) by requiring a Court of Common Pleas to certify a ballot question which would authorize a decrease in the number of council members from seven



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members to five or three in boroughs with a population of 3,000 or less residents.

To have a Court certify the question, a petition must be signed by at least 5% of the registered electors of the borough. The petition must specify the number of council members proposed. Once the Court certifies the question, it shall be placed on the ballot for a referendum vote at the next scheduled general election.

Following the election, the Court shall issue a final decree granting or denying the petitioners' request. If the petition is successful, the new size of council shall be implemented according to law. If the petition fails, the question may not be considered for another five years.

If enacted, this legislation will take effect in 60 days.

Location: *Passed House; Senate Local Government Committee, June 20, 2019*

Liquid Fuels Money – Allowable Uses

House Bill 1467 (PN 1832), introduced by Representative Lou Schmitt, amends the Liquid Fuels Allocation Law increasing the allowable expenditure for the purchase of computers and software from \$1,000 to \$1,500. Further, the bill authorizes/clarifies that a municipality does not have to bid a professional services agreement for traffic signal maintenance and repair services.

This legislation is in response to Liquid Fuels Audits by the Auditor General that call into question the need to bid for traffic signal repair and maintenance services. PennDOT issued a ruling in October 2018 stating such services must be bid.

If enacted, this legislation will take effect in 60 days.

Location: *House Transportation Committee, May 14, 2019*

Electric Low-Speed Scooters

House Bill 631 (PN 626), introduced by Representative Greg Rothman, amends Title 75 (Vehicles) authorizing the use of electric, low-speed scooters in Pennsylvania.

House Bill 631 defines an electric, low-speed scooter as a device weighing less than 100 pounds that:

- has handlebars and an electric motor;
- has a floorboard which can be stood upon while riding;
- has two or three wheels;
- is solely powered by the electric motor or human power, or both; and
- has a maximum speed of not more than 20 miles-per-hour on a paved level surface when powered by the electric motor.

Pedalcycles with an electric assist, an electric personal assistive mobility device, a motorcycle and a moped are excluded from the definition.

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The bill adds electric, low-speed scooter to the definition of “motor vehicle” in Title 75; however, they do not require a certificate of title and are exempt from vehicle registration requirements. Electric, low-speed scooters must follow the same laws and regulations for parking as pedalcycles.

The following criteria must be met for lawful operation of electric, low-speed scooters:

- operators must be 16 years of age or older;
- they may not be operated at a speed greater than 15 miles-per-hour;
- between the hours of sunset and sunrise, all electric, low-speed scooters must be equipped with a lamp and reflectors; and
- electric, low-speed scooters are prohibited on freeways.

The bill grants municipalities the authority to regulate the use of electric-low speed scooters in a manner consistent with the regulation of pedalcycles.

If enacted, the legislation shall take effect in 120 days if a municipality does not have an ordinance in place that is consistent with the Act, or immediately.

Location: *House Transportation Committee, February 28, 2019*

Neglected Burial Grounds

House Bill 791 (PN 871), introduced by Representative Gerald Mullery, amends Title 53 (Municipalities Generally), by adding Chapter 63 relating to the care of neglected burial grounds. The Chapter is a modernized version of the Burial Grounds Act of 1923, which is repealed by this legislation.

House Bill 791 gives a Court of Common Pleas the authority to place a neglected burial ground under the care of a municipality. Second class townships are carved out of this legislation, but it applies to all other forms of local government.

In order for a transfer of care of a neglected burial ground to occur, the following must occur:

- the burial ground must be so neglected as to become a nuisance;
- at least 25 residents living within a 5-mile radius of the burial ground must petition a court of common pleas.

A Court may direct a governing body to cut down and remove all brush, grass, briars and weeds and to place the grounds in good order. The cutting down and removal shall occur at least twice annually before May 30 and before August 15, as well as at any other time that the Court orders. Costs incurred by a municipality for the care of a burial ground shall be paid out of the municipality’s treasury not to exceed \$5,000 per year per burial ground. Burial grounds transferred to the care of a municipality shall remain open to the public.

If enacted, this legislation shall take effect in 90 days.

Location: *House Local Government Committee, March 12, 2019*



What Do Local Leaders Need to Know about the FCC Cable Order?

Recently, the Federal Communications Commission (FCC) voted 3-2 to approve a [report and order](#) that will make dramatic changes to cable franchises managed by state and local governments. The order, which will go into effect 30 days after it is published in the Federal Register, has two major components that will impact local governments. The first addresses “in-kind” components of franchise agreements and their relationship to franchise fees and the second addresses regulation of “mixed use” networks by state and local franchising authorities.

NLC [opposed the order](#), as did a large number of local governments, PEG operators and 49 members of Congress. Despite these protests, the FCC moved forward with the order. It is likely to reduce franchise revenues at the state and local level and wholly preempt state and local authority over the growing broadband and wireless services being provided by cable companies. The FCC claimed this order was done to expand broadband access but provided no requirement or assurance from cable companies that reduced franchise obligations would reduce costs for consumers or increase broadband deployment in underserved areas.

Read the full CitiesSpeak blog on the Order [here](#).

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