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Lamar Advantage GP Co., LLC v. City of Pittsburgh

Commonwealth Court of Pennsylvania - April 30, 2013 - A.3d - 2013 WL 1800050

The Pittsburgh City Council enacted a signage ordinance. Certain changes were made between the original version of the ordinance and the final version.

Plaintiff challenged the ordinance, claiming that the enacted ordinance was substantially changed from its original version and thus it was a new bill requiring the City Council to refer it to the Planning Commission for its report and recommendation and to conduct another public hearing.

In denying plaintiff's appeal, the trial court held that the bill was validly enacted because "the overall policy and purpose of the Bill was not disturbed and therefore, the changes are not significant and another hearing was not required."

The appeals court noted that amendments to legislation after a public hearing or after review by a body such as a Planning Commission are envisioned because, otherwise, input from the public hearing would be meaningless. However, amendments that go far beyond the proposed legislation cannot be made without re-advertisement and a new hearing.

In this case, the appeals court agree with the trial court's conclusion that the changes made between the introduced and final versions were not substantial enough to warrant re-advertisement and rehearing, as the changes were either: 1) more stringent than initially proposed; 2) not substantial enough to warrant a new hearing; or 3) not substantial in relation to the legislation as a whole because those modifications do not demonstrate any appreciable change in the overall policy of the bill.