

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1419 Session of
2012

INTRODUCED BY WAUGH, RAFFERTY, ALLOWAY, SCHWANK, SOLOBAY,
D. WHITE, MENSCH AND ERICKSON, FEBRUARY 14, 2012

REFERRED TO LOCAL GOVERNMENT, FEBRUARY 14, 2012

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 the retention of
21 certain recreation fees.

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

24 Section 1. Section 503(11)(vii) 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
27 (P.L.1329, No.170), is amended to read:

1 Section 503. Contents of Subdivision and Land Development
2 Ordinance.--The subdivision and land development ordinance may
3 include, but need not be limited to:

4 * * *

5 (11) Provisions requiring the public dedication of land
6 suitable for the use intended; and, upon agreement with the
7 applicant or developer, the construction of recreational
8 facilities, the payment of fees in lieu thereof, the private
9 reservation of the land, or a combination, for park or
10 recreation purposes as a condition precedent to final plan
11 approval, provided that:

12 * * *

13 (vii) Upon request of any person who paid any fee under
14 this subsection, the municipality shall refund such fee, plus
15 interest accumulated thereon from the date of payment, if the
16 municipality had failed to utilize the fee paid for the
17 purposes set forth in this section within three years from
18 the date such fee was paid except the municipality may retain
19 a recreation fee collected from a developer for ten years if
20 the retention is necessary for the construction of local
21 recreation facilities and savings for the project must extend
22 beyond the three-year time limit.

23 * * *

24 Section 2. This act shall take effect in 60 days.