

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1840 Session of
2003

INTRODUCED BY GILLESPIE, ARMSTRONG, BALDWIN, BARRAR, CLYMER,
CRAHALLA, CREIGHTON, FRANKEL, FREEMAN, GOODMAN, HENNESSEY,
McGEEHAN, R. MILLER, NAILOR, NICKOL, O'NEILL, REICHLEY,
SAYLOR, STEIL, STETLER AND WEBER, JULY 9, 2003

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, JULY 9, 2003

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 legal status of
21 comprehensive plan within the jurisdiction that adopted the
22 plan; and providing for municipal implementation of
23 comprehensive plan.

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

26 Section 1. Section 303 of the act of July 31, 1968 (P.L.805,
27 No.247), known as the Pennsylvania Municipalities Planning Code,

1 reenacted and amended December 21, 1988 (P.L.1329, No.170), and
2 amended June 22, 2000 (P.L.495, No.68), is amended to read:

3 Section 303. Legal Status of Comprehensive Plan Within the
4 Jurisdiction that Adopted the Plan.--(a) Whenever the governing
5 body, pursuant to the procedures provided in section 302, has
6 adopted a comprehensive plan or any part thereof, any subsequent
7 proposed action of the governing body, its departments, agencies
8 and appointed authorities shall be submitted to the planning
9 agency for its recommendations when the proposed action relates
10 to:

11 (1) the location, opening, vacation, extension,
12 widening, narrowing or enlargement of any street, public
13 ground, pierhead or watercourse;

14 (2) the location, erection, demolition, removal or sale
15 of any public structure located within the municipality;

16 (3) the adoption, amendment or repeal of an official
17 map, subdivision and land development ordinance, zoning
18 ordinance or provisions for planned residential development,
19 or capital improvements program; or

20 (4) the construction, extension or abandonment of any
21 water line, sewer line or sewage treatment facility.

22 (b) The recommendations of the planning agency including a
23 specific statement as to whether or not the proposed action is
24 in accordance with the objectives of the formally adopted
25 comprehensive plan shall be made in writing to the governing
26 body within 45 days.

27 [(c) Notwithstanding any other provision of this act, no
28 action by the governing body of a municipality shall be invalid
29 nor shall the same be subject to challenge or appeal on the
30 basis that such action is inconsistent with, or fails to comply

1 with, the provision of a comprehensive plan.]

2 (d) Municipal zoning, subdivision and land development
3 regulations and capital improvement programs shall [generally]
4 implement the municipal and multimunicipal comprehensive plan
5 or, where none exists, the municipal statement of community
6 development objectives.

7 Section 2. The act is amended by adding a section to read:

8 Section 303.1. Municipal Implementation of Comprehensive
9 Plan.--(a) Within two years after the effective date of this
10 section, each municipality that has a population of 10,000 or
11 more people shall establish and implement a municipal or
12 multimunicipal comprehensive plan in accordance with this act.
13 Population shall be determined by the most recent decennial
14 census by the Bureau of the Census of the United States
15 Department of Commerce.

16 (b) Within three years after the effective date of this
17 section, each municipality that has a population of more than
18 5,000 people but less than 10,000 people and which has a
19 population density of more than 300 people per square mile,
20 shall establish and implement a municipal or multimunicipal
21 comprehensive plan in accordance with this act. Population shall
22 be determined based on the most recent decennial census by the
23 Bureau of the Census of the United States Department of
24 Commerce.

25 (c) This section shall not apply to counties.

26 Section 3. This act shall take effect in 60 days.