

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1503 Session of
2013

INTRODUCED BY MALONEY, O'NEILL, PICKETT, DENLINGER, ROCK,
SACCONE, BAKER, ROAE, EVERETT, SCAVELLO, METCALFE, SWANGER,
CLYMER AND MCGINNIS, JUNE 10, 2013

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 22, 2014

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1535, No.537),
2 entitled, as amended, "An act providing for the planning and
3 regulation of community sewage systems and individual sewage
4 systems; requiring municipalities to submit plans for systems
5 in their jurisdiction; authorizing grants; requiring permits
6 for persons installing such systems; requiring disclosure
7 statements in certain land sale contracts; authorizing the
8 Department of Environmental Resources to adopt and administer
9 rules, regulations, standards and procedures; creating an
10 advisory committee; providing remedies and prescribing
11 penalties," further providing for official plans.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 5 of the act of January 24, 1966 (1965
15 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities
16 Act, is amended by adding a subsection to read:

17 Section 5. Official Plans.--* * *

18 ~~(d.1) (1) The department shall develop and make available~~ <--
19 ~~for public use an application form that waives the requirement~~
20 ~~of a municipality to revise its official plan to accommodate~~
21 ~~nonbuilding subdivisions where there is no present need for~~

~~sewage disposal facilities on a given parcel of land. The
municipal secretary or chairperson of the municipality shall be
required, as a ministerial function, to sign a request for
planning waiver and nonbuilding declaration that has been
completed and signed by the subdivider and buyer or recipient
provided that the proposed subdivision:~~

~~(i) meets the requirements of the waiver; and~~

~~(ii) is in compliance with any applicable zoning and
subdivision and land development ordinances.~~

~~(2) The departmental form shall only require a municipality
to perform those functions within the scope of this act. The IF~~ <--

~~AN APPLICANT IS GRANTED A NONBUILDING WAIVER BY THE DEPARTMENT,
THE MUNICIPAL SECRETARY OR CHAIRPERSON OF THE MUNICIPALITY SHALL
SIGN THE REQUEST FOR PLANNING WAIVER AND NONBUILDING
DECLARATION.~~

~~(2) THE purpose of this subsection is to protect the choice
of a landowner to subdivide the landowner's property when the
landowner has no intention of developing the property. In the
event that the owner or recipient of a subdivided parcel that
has been granted a nonbuilding waiver subsequently desires to
build upon or develop the property, the owner or recipient shall
be required to comply with all applicable statutes, regulations
or ordinances in effect at the time of the desired construction
or development.~~

~~* * *~~

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