

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1052 Session of 2013

INTRODUCED BY FREEMAN, HARPER, PETRI, SANTARSIERO, ROSS, MURT, FABRIZIO, EMRICK, KORTZ, MILLARD AND SWANGER, MARCH 25, 2013

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 15, 2013

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 contents of subdivision
21 and land development ordinance.

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

24 Section 1. Section 503(11) 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 (i) The provisions of this paragraph shall not apply to
13 any plan application, whether preliminary or final, pending
14 at the time of enactment of such provisions.

15 (ii) The ordinance includes definite standards for
16 determining the proportion of a development to be dedicated
17 and the amount of any fee to be paid in lieu thereof.

18 (iii) The land or fees, or combination thereof, are to
19 be used only for the purpose of providing, ACQUIRING, <--
20 operating or maintaining park or recreational facilities
21 reasonably accessible to the development.

22 (iv) The governing body has a formally adopted
23 recreation plan, and the park and recreational facilities are
24 in accordance with definite principles and standards
25 contained in the subdivision and land development ordinance.

26 (v) The amount and location of land to be dedicated or
27 the fees to be paid shall bear a reasonable relationship to
28 the use of the park and recreational facilities by future
29 inhabitants of the development or subdivision.

30 (vi) A fee authorized under this subsection shall, upon

1 its receipt by a municipality, be deposited in an interest-
2 bearing account, clearly [identifying the specific recreation
3 facilities for which the fee was received] identified as
4 reserved for providing, ACQUIRING, operating or maintaining <--
5 park or recreational facilities. Interest earned on such
6 accounts shall become funds of that account. [Funds from such
7 accounts shall be expended only in properly allocable
8 portions of the cost incurred to construct the specific
9 recreation facilities for which the funds were collected.]

10 (vii) Upon request of any person who paid any fee under
11 this subsection, the municipality shall refund such fee, plus
12 interest accumulated thereon from the date of payment, if the
13 municipality had failed to utilize the fee paid for the
14 purposes set forth in this section [within three years† from <--
15 the date such fee was paid]. <--

16 (viii) No municipality shall have the power to require
17 the construction of recreational facilities or the dedication
18 of land, or fees in lieu thereof, or private reservation
19 except as may be provided by statute.

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