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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 200**

Session of  
1983

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INTRODUCED BY REIBMAN, LLOYD, SINGEL, O'PAKE, ANDREZESKI,  
LINCOLN, LEWIS, CORMAN AND FISHER, FEBRUARY 4, 1983

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AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 19, 1983

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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 class A  
6 through eighth classes, individually or jointly, to plan  
7 their development and to govern the same by zoning,  
8 subdivision and land development ordinances, planned  
9 residential development and other ordinances, by official  
10 maps, by the reservation of certain land for future public  
11 purpose and by the acquisition of such land; to promote the  
12 conservation of energy through the use of planning practices  
13 and to promote the effective utilization of renewable energy  
14 sources; providing for the establishment of planning  
15 commissions, planning departments, planning committees and  
16 zoning hearing boards, authorizing them to charge fees, make  
17 inspections and hold public hearings; providing for  
18 appropriations, appeals to courts and penalties for  
19 violations; and repealing acts and parts of acts," further  
20 providing for the supply of water.

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 Section 1. Section 107 of the act of July 31, 1968 (P.L.805,  
24 No.247), known as the Pennsylvania Municipalities Planning Code,  
25 is amended by adding a clause to read:

1 Section 107. Definitions.--As used in this act, except where  
2 the context clearly indicates otherwise, the following words or  
3 phrases have the meanings indicated below:

4 \* \* \*

5 (23) "Water survey," an inventory of the source, quantity,  
6 yield and use of ground and surface water resources, INCLUDING <—  
7 PRIVATE GROUND WELLS, within a municipality.

8 Section 2. Section 209.1(A) AND (b) of the act ~~is~~ ARE <—  
9 amended by adding a ~~clause~~ CLAUSES to read: <—

10 Section 209.1. Powers and Duties of Planning Agency.--\* \* \* <—

11 (A) THE PLANNING AGENCY SHALL AT THE REQUEST OF THE GOVERNING <—  
12 BODY HAVE THE POWER AND SHALL BE REQUIRED TO:

13 (1) PREPARE THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF  
14 THE MUNICIPALITY AS SET FORTH IN THIS ACT, AND PRESENT IT FOR  
15 THE CONSIDERATION OF THE GOVERNING BODY;

16 (2) MAINTAIN AND KEEP ON FILE RECORDS OF ITS ACTION. ALL  
17 RECORDS AND FILES OF THE PLANNING AGENCY SHALL BE IN THE  
18 POSSESSION OF THE GOVERNING BODY.

19 (3) WHEN THE MUNICIPALITY IS USING THE COUNTY PLANNING  
20 AGENCY BECAUSE IT DOES NOT HAVE ITS OWN PLANNING AGENCY, PREPARE  
21 AND PRESENT TO THE GOVERNING BODY OF THE MUNICIPALITY A WATER  
22 SURVEY, WHICH SHALL BE CONSISTENT WITH THE STATE WATER PLAN AND  
23 ANY APPLICABLE WATER RESOURCES PLAN ADOPTED BY A RIVER BASIN  
24 COMMISSION. THE WATER SURVEY SHALL BE CONDUCTED IN CONSULTATION  
25 WITH ANY PUBLIC WATER SUPPLIER IN THE AREA TO BE SURVEYED. THE  
26 MUNICIPALITY HAS THE RIGHT TO MAKE THE FINAL DECISION ON THE  
27 VALIDITY AND UTILIZATION OF THE WATER SURVEY PREPARED UNDER THIS  
28 CLAUSE.

29 (b) The planning agency at the request of the governing body  
30 may:

1 \* \* \*

2 (7.1) Prepare and present to the governing body of the  
3 municipality a water survey, which shall be consistent with the  
4 State Water Plan and any applicable water resources plan adopted  
5 by a river basin commission. The water survey shall be conducted  
6 in consultation with any public water supplier in the area to be  
7 surveyed.

8 \* \* \*

9 Section 3. Section 301 of the act, amended June 1, 1972  
10 (P.L.333, No.93), is amended to read:

11 Section 301. Preparation of Comprehensive Plan.--(a) The  
12 comprehensive plan, consisting of maps, charts and textual  
13 matter, shall indicate the recommendations of the planning  
14 agency for the continuing development of the municipality. The  
15 comprehensive plan shall include, but need not be limited to,  
16 the following related basic elements:

17 (1) A statement of objectives of the municipality concerning  
18 its future development;

19 (2) A plan for land use, which may include the amount,  
20 intensity, and character of land use proposed for residence,  
21 industry, business, agriculture, major traffic and transit  
22 facilities, public grounds, flood plans and other areas of  
23 special hazards and other similar uses;

24 (3) A plan for movement of people and goods, which may  
25 include expressways, highways, local street systems, parking  
26 facilities, mass transit routes, terminals, airfields, port  
27 facilities, railroad facilities and other similar facilities or  
28 uses;

29 (4) A plan for community facilities and utilities, which may  
30 include public and private education, recreation, municipal

1 buildings, libraries, water supply, sewage disposal, refuse  
2 disposal, storm drainage, hospitals, and other similar uses; and

3 (5) A map or statement indicating the relationship of the  
4 municipality and its proposed development to adjacent  
5 municipalities and areas.

6 (b) The comprehensive plan may include a plan for the  
7 reliable supply of water, considering current and future water  
8 resources availability, uses and limitations, including  
9 provisions adequate to protect water supply sources. Any such  
10 plan shall be consistent with the Pennsylvania State Water Plan  
11 and any applicable water resources plan adopted by a river basin  
12 commission.

13 (c) In preparing the comprehensive plan the planning agency  
14 shall make careful surveys and studies of existing conditions  
15 and prospects for future growth in the municipality.

16 Section 4. Section 503 of the act is amended by adding a  
17 clause to read:

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

21 \* \* \*

22 (7) Provisions and standards for insuring that new  
23 developments incorporate adequate provisions for a reliable,  
24 safe and adequate water supply to support intended uses within  
25 the capacity of available resources.

26 Section 5. Section 603(A)(1) of the act, AMENDED JUNE 9, <—  
27 1982 (P.L.441, NO.130), is amended by ~~adding a subsection~~ AND A <—  
28 SUBSECTION IS ADDED to read:

29 Section 603. Ordinance Provisions.--(A) ZONING ORDINANCES <—  
30 MAY PERMIT, PROHIBIT, REGULATE, RESTRICT AND DETERMINE:

1 (1) USES OF LAND, WATERCOURSES AND OTHER BODIES OF WATER,  
2 INCLUDING SURFACE, PERCOLATING AND GROUNDWATERS;

3 \* \* \*

4 (c) Zoning ordinances may include provisions regulating the  
5 siting, density and design of residential, commercial,  
6 industrial and other developments in order to assure the  
7 availability of reliable, safe and adequate water supplies to  
8 support the intended land uses within the capacity of available  
9 water resources.

10 Section 6. Section 604(1) of the act is amended to read:

11 Section 604. Zoning Purposes.--The provisions of zoning  
12 ordinances shall be designed:

13 (1) To promote, protect and facilitate one or more of the  
14 following: the public health, safety, morals, general welfare,  
15 coordinated and practical community development, proper density  
16 of population, civil defense, disaster evacuation, airports, and  
17 national defense facilities, the [provisions] provision of  
18 adequate light and air, police protection, vehicle parking and  
19 loading space, transportation, [water,] sewerage, schools,  
20 public grounds, the provision of a safe, reliable and adequate  
21 water supply for domestic, commercial, agricultural or  
22 industrial use, and other public requirements, as well as

23 \* \* \*

24 Section 7. This act shall take effect immediately.