

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2223 Session of
1991

INTRODUCED BY G. SNYDER, FREEMAN, GODSHALL, MELIO, BUNT, FOSTER,
STURLA, B. SMITH, CLYMER, HESS, SCHULER, SCHEETZ, BROUJOS,
BARLEY AND STETLER, NOVEMBER 25, 1991

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 25, 1991

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,
2 as reenacted and amended, "An act to empower cities of the
3 second class A, and third class, boroughs, incorporated
4 towns, townships of the first and second classes including
5 those within a county of the second class and counties of the
6 second class A through eighth classes, individually or
7 jointly, to plan their development and to govern the same by
8 zoning, 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 mediation; providing for transferable development rights;
19 providing for appropriations, appeals to courts and penalties
20 for violations; and repealing acts and parts of acts,"
21 providing for use of certain proceeds of realty transfer tax
22 to finance comprehensive plans; and providing for penalties.

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

25 Section 1. The act of July 31, 1968 (P.L.805, No.247), known
26 as the Pennsylvania Municipalities Planning Code, reenacted and
27 amended December 21, 1988 (P.L.1329, No.170), is amended by

1 adding sections to read:

2 Section 301.5. Compliance by Municipalities.--(a) If a
3 municipality in a second class A or third class county fails to
4 adopt a comprehensive plan which is consistent with the adopted
5 county comprehensive plan within two years of the effective date
6 of the provisions of this section, the proceeds of that
7 municipality's 1% realty transfer tax shall be diverted to the
8 county in which that municipality is located to be placed into a
9 fund to be used for:

10 (1) farmland preservation programs, including the purchase
11 of agricultural easements; and

12 (2) the creation of common open space within that
13 municipality.

14 (b) Where county farmland preservation programs do not
15 exist, the proceeds of the municipality's realty transfer tax
16 shall be diverted to the Commonwealth to be used for:

17 (1) farmland preservation programs including the purchase of
18 agricultural easements; and

19 (2) the creation of common open space within that
20 municipality.

21 (c) The proceeds from the municipality's realty transfer tax
22 shall be diverted in accordance with subsections (a) and (b)
23 until such time as the municipality adopts a comprehensive plan
24 which is generally consistent with the adopted county
25 comprehensive plan.

26 (d) As used in this section, the term "generally consistent"
27 means that the proposed density of development permitted by the
28 municipal comprehensive plan or zoning ordinance must be equal
29 to or less than that permitted for the same geographic area by
30 the adopted county comprehensive plan and any county zoning

1 ordinance in effect, and the land uses permitted within that
2 geographic area must also be compatible with the land uses
3 permitted for the same geographic area under the county
4 comprehensive plan.

5 Section 301.6. Proceeds of State Portion of Realty Transfer
6 Tax.--(a) Upon compliance with the provisions of section 301.5,
7 any municipality in a second class A or third class county shall
8 be entitled to 25% of the Commonwealth's share of realty
9 transfer tax revenues paid in that municipality for the year in
10 which the comprehensive plan is determined to be generally
11 consistent with the county plan.

12 (b) The municipal comprehensive plan must be generally
13 consistent with the adopted comprehensive plan of the county in
14 which the municipality is located as determined by the county
15 planning commission, where one exists, or by the regional
16 planning commission acting on behalf of a county where no county
17 planning commission exists.

18 (c) As used in this section, the term "generally consistent"
19 means that the proposed density of development permitted by the
20 municipal comprehensive plan or zoning ordinance must be equal
21 to or less than that permitted for the same geographic area by
22 the adopted county comprehensive plan and any county zoning
23 ordinance in effect, and the land uses permitted within that
24 geographic area must also be compatible with the land uses
25 permitted for the same geographic area under the county
26 comprehensive plan.

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