

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 61

Session of
1997

INTRODUCED BY HOLL, JANUARY 17, 1997

REFERRED TO LOCAL GOVERNMENT, JANUARY 17, 1997

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 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 further providing for impact fees.

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

24 Section 1. The definitions of "impact fee" and
25 "transportation service area" in section 502-A of the act of
26 July 31, 1968 (P.L.805, No.247), known as the Pennsylvania
27 Municipalities Planning Code, reenacted and amended December 21,

1 1988 (P.L.1329, No.170) and added December 19, 1990 (P.L.1343,
2 No.209), are amended and the section is amended by adding
3 definitions to read:

4 Section 502-A. Definitions.--The following words and phrases
5 when used in this article shall have the meanings given to them
6 in this section unless the context clearly indicates otherwise:

7 * * *

8 "Impact fee," a charge or fee imposed by a municipality
9 against new development in order to generate revenue for funding
10 the costs of transportation capital improvements and
11 recreational area improvements necessitated by and attributable
12 to new development.

13 * * *

14 "Recreation service area," a geographically defined portion
15 of the municipality not to exceed seven square miles of area
16 which, pursuant to the comprehensive plan and applicable
17 district zoning regulations, has an aggregation of sites with
18 development potential creating the need for recreation
19 improvements within such area to be funded by impact fees. No
20 area may be included in more than one recreation service area.

21 "Recreational area improvements," land or facilities for
22 public parks or playgrounds, open space areas, scenic sight
23 areas, or preservation of historically significant sites or for
24 any related public outdoor recreation purpose.

25 * * *

26 ["Transportation service area," a geographically defined
27 portion of the municipality not to exceed seven square miles of
28 area which, pursuant to the comprehensive plan and applicable
29 district zoning regulations, has an aggregation of sites with
30 development potential creating the need for transportation

1 improvements within such area to be funded by impact fees. No
2 area may be included in more than one transportation service
3 area.]

4 Section 2. Sections 504-A, 505-A and 506-A(a) of the act,
5 added December 19, 1990 (P.L.1343, No.209), are amended to read:

6 Section 504-A. Transportation and Recreation Capital
7 Improvements Plan.--(a) A transportation and recreation capital
8 improvements plan shall be prepared and adopted by the governing
9 body of the municipality prior to the enactment of any impact
10 fee ordinance. The municipality shall provide qualified
11 professionals to assist the transportation and recreation impact
12 fee advisory committee or the planning commission in the
13 preparation of the transportation and recreation capital
14 improvements plan and calculation of the impact fees to be
15 imposed to implement the plan in accordance with the procedures,
16 provisions and standards set forth in this act.

17 (b) (1) An impact fee advisory committee shall be created
18 by resolution of a municipality intending to adopt a
19 transportation and recreation impact fee ordinance. The
20 resolution shall describe the geographical area or areas of
21 the municipality for which the advisory committee shall
22 develop the land use assumptions and conduct the roadway
23 sufficiency analysis studies.

24 (2) The advisory committee shall consist of no fewer
25 than seven nor more than 15 members, all of whom shall serve
26 without compensation. The governing body of the municipality
27 shall appoint as members of the advisory committee persons
28 who are either residents of the municipality or conduct
29 business within the municipality and are not employees or
30 officials of the municipality. Not less than 40% of the

1 members of the advisory committee shall be representatives of
2 the real estate, commercial and residential development, and
3 building industries. The municipality may also appoint
4 traffic or transportation and recreation engineers or
5 planners to serve on the advisory committee provided the
6 appointment is made after consultation with the advisory
7 committee members. The traffic or transportation and
8 recreation engineers or planners appointed to the advisory
9 committee may not be employed by the municipality for the
10 development of or consultation on the roadways sufficiency
11 analysis or analysis of recreation needs which may lead to
12 the adoption of the transportation and recreation capital
13 improvements plan.

14 (3) The governing body of the municipality may elect to
15 designate the municipal planning commission appointed
16 pursuant to Article II as the impact fee advisory committee.
17 If the existing planning commission does not include members
18 representative of the real estate, commercial and residential
19 development, and building industries at no less than 40% of
20 the membership, the governing body of the municipality shall
21 appoint the sufficient number of representatives of the
22 aforementioned industries who reside in the municipality or
23 conduct business within the municipality to serve as ad hoc
24 voting members of the planning commission whenever such
25 commission functions as the impact fee advisory committee.

26 (4) No impact fee ordinance may be invalidated as a
27 result of any legal action challenging the composition of the
28 advisory committee which is not brought within 90 days
29 following the first public meeting of said advisory
30 committee.

1 (5) The advisory committee shall serve in an advisory
2 capacity and shall have the following duties:

3 (i) To make recommendations with respect to land use
4 assumptions, the development of comprehensive road
5 improvements, the development of recreational area
6 improvements and impact fees.

7 (ii) To make recommendations to approve, disapprove
8 or modify a capital improvement program by preparing a
9 written report containing these recommendations to the
10 municipality.

11 (iii) To monitor and evaluate the implementation of
12 a capital improvement program and the assessment of
13 impact fees, and report annually to the municipality with
14 respect to the same.

15 (iv) To advise the municipality of the need to
16 revise or update the land use assumptions, capital
17 improvement program, or impact fees.

18 (c) (1) As a prerequisite to the development of the
19 transportation and recreational area capital improvements
20 plan, the advisory committee shall develop land use
21 assumptions for the determination of future growth and
22 development within the designated area or areas as described
23 by the municipal resolution and recommend its findings to the
24 governing body. Prior to the issuance and presentation of a
25 written report to the municipality on the recommendations for
26 proposed land use assumptions upon which to base the
27 development of the transportation and recreational area
28 capital improvements plan, the advisory committee shall
29 conduct a public hearing, following the providing of proper
30 notice in accordance with section 107, for the consideration

1 of the land use assumption proposals. Following receipt of
2 the advisory committee report, which shall include the
3 findings of the public hearing, the governing body of the
4 municipality shall by resolution approve, disapprove or
5 modify the land use assumptions recommended by the advisory
6 committee.

7 (2) The land use assumptions report shall:

8 (i) Describe the existing land uses within the
9 designated area or areas and the highways, roads, or
10 streets incorporated therein.

11 (ii) To the extent possible, reflect projected
12 changes in land uses, densities of residential
13 development, intensities of nonresidential development,
14 and population growth rates which may affect the level of
15 traffic and the need for recreational areas within the
16 designated area or areas over a period of at least the
17 next five years. These projections shall be based on an
18 analysis of population growth rates during the prior
19 five-year period, current zoning regulations, approved
20 subdivision and land developments, and the future land
21 use plan contained in the adopted municipal comprehensive
22 plan. It may also refer to all professionally produced
23 studies and reports pertaining to the municipality
24 regarding such items as demographics, parks and
25 recreation, economic development and any other study
26 deemed appropriate by the municipality.

27 (3) If the municipality is located in a county which has
28 created a county planning agency, the advisory committee
29 shall forward a copy of their proposed land use assumptions
30 to the county planning agency for its comments at least 30

1 days prior to the public hearing. At the same time, the
2 advisory committee shall also forward copies of the proposed
3 assumptions to all contiguous municipalities and to the local
4 school district for their review and comments.

5 (d) (1) Upon adoption of the land use assumptions by the
6 municipality, the advisory committee shall prepare, or cause
7 to be prepared, a roadway sufficiency analysis and recreation
8 needs analysis which shall establish the existing level of
9 infrastructure sufficiency and preferred levels of service
10 within any designated area or areas of the municipality as
11 described by the resolution adopted pursuant to the creation
12 of the advisory committee. The roadway sufficiency analysis
13 shall be prepared for any highway, road or street within the
14 designated area or areas on which the need for road
15 improvements attributable to projected future new development
16 is anticipated. The municipality shall commission a traffic
17 or transportation engineer or planner to assist the advisory
18 committee in the preparation of the roadway sufficiency
19 analysis. It shall be deemed that the roads, streets and
20 highways not on the roadway sufficiency analysis report are
21 not impacted by future development. The roadway sufficiency
22 analysis shall include the following components:

23 (i) The establishment of existing volumes of traffic
24 and existing levels of service.

25 (ii) The identification of a preferred level of
26 service established pursuant to the following:

27 (A) The level of service shall be one of the
28 categories of road service as defined by the
29 Transportation Research Board of the National Academy
30 of Sciences or the Institute of Transportation

1 Engineers. The municipality may choose to select a
2 level of service on a transportation service area
3 basis as the preferred level of service. The
4 preferred levels of service shall be designated by
5 the governing body of the municipality following
6 determination of the existing level of service as
7 established by the roadway sufficiency analysis. If
8 the preferred level of service is designated as
9 greater than the existing level of service, the
10 municipality shall be required to identify road
11 improvements needed to correct the existing
12 deficiencies.

13 (B) Following adoption of the preferred level of
14 service, such level of service may be waived for a
15 particular road segment or intersection if the
16 municipality finds that one or more of the following
17 effectively precludes provision of road improvements
18 necessary to meet the level of service: geometric
19 design limitations; topographic limitations; or the
20 unavailability of necessary right-of-way.

21 (iii) The identification of existing deficiencies
22 which need to be remedied to accommodate existing traffic
23 at the preferred level of service.

24 (iv) The specification of the required road
25 improvements needed to bring the existing level of
26 service to the preferred level of service.

27 (v) A projection of anticipated traffic volumes,
28 with a separate determination of pass-through trips, for
29 a period of not less than five years from the date of the
30 preparation of the roadway sufficiency analysis based

upon the land use assumptions adopted under this section.

(vi) The identification of forecasted deficiencies which will be created by "pass-through" trips.

(2) The advisory committee shall provide the governing body with the findings of the roadway sufficiency analysis. Following receipt of the advisory committee report, the governing body shall by resolution approve, disapprove or modify the roadway sufficiency analysis recommended by the advisory committee.

(e) (1) Utilizing the information provided by the land use assumption and the roadway sufficiency analysis as the basis for determination of the need for road improvements to remedy existing deficiencies and accommodate future projected traffic volumes and after considering the results of a recreation needs analysis, the advisory committee shall identify those capital projects which the municipality should consider for adoption in its transportation and recreational area capital improvements plan and shall recommend the delineation of the transportation and recreation service area or areas. The capital-improvement plan shall be developed in accordance with generally accepted engineering and planning practices. The capital improvement program shall include projections of all designated road improvements in the capital improvement program. The total cost of the road improvements shall be based upon estimated costs, using standard traffic engineering standards, with a 10% maximum contingency which may be added to said estimate. These costs shall include improvements to correct existing deficiencies with identified anticipated sources of funding and timetables for implementation. The transportation and recreational area

capital improvements plan shall include the following components:

(i) (A) A description of the existing highways, roads and streets within the transportation service area and the road improvements required to update, improve, expand or replace such highways, roads and streets in order to meet the preferred level of service and usage and stricter safety, efficiency, environmental, or regulatory standards not attributable to new development.

(B) A description of existing recreation areas within the recreational service area and the improvements required to update, improve and expand such facilities.

(ii) A plan specifying the road improvements within the transportation service area attributable to forecasted pass-through traffic so as to maintain the preferred level of service after existing deficiencies identified by the roadway sufficiency analysis have been remedied.

(iii) A plan specifying the road improvements or portions thereof and recreational area improvements within the transportation service area and the recreation service area attributable to the projected future development, consistent with the adopted land use assumptions[, in order]. The plan with regard to road improvements or portions thereof shall be designed to maintain the preferred level of service after accommodation for pass-through traffic and after existing deficiencies identified in the roadway sufficiency

analysis have been remedied.

(iv) The projected costs of the road improvements and recreational area improvements to be included in the transportation and recreational area capital improvements plan, calculating separately for each project by the following categories:

(A) The costs or portion thereof associated with correcting existing deficiencies as specified in subparagraph (i).

(B) The costs or portions thereof attributable to providing road improvements to accommodate forecasted pass-through trips as specified in subparagraph (ii).

(C) The costs of providing necessary road improvements or portions thereof and recreational area improvements attributable to projected future development as specified in subparagraph (iii).

(v) A projected timetable and proposed budget for constructing each road improvement and recreational area improvement contained in the plan.

(vi) The proposed source of funding for each capital improvement included in the road plan. This shall include anticipated revenue from the Federal Government, State government, municipality, impact fees and any other source. The estimated revenue for each capital improvement in the plan which is to be provided by impact fees shall be identified separately for each project.

(2) The source of funding required for projects to remedy existing deficiencies as set forth in paragraph (1)(i) and the road improvements attributable to forecasted pass-

1 through traffic as set forth in paragraph (1)(ii) shall be
2 exclusive of funds generated from the assessment of impact
3 fees. Those improvements set forth in paragraph (1)(iii) to
4 any highway, road or street which qualifies as a State
5 highway or a portion of the rural State highway system as
6 provided in section 102 of the act of June 1, 1945 (P.L.1242,
7 No.428), known as the "State Highway Law," may be funded from
8 impact fees in an amount not to exceed 50% of the total cost
9 of such improvements.

10 (3) Upon the completion of the transportation and
11 recreational area capital improvements plan and prior to its
12 adoption by the governing body of the municipality and the
13 enactment of a municipal impact fee ordinance, the advisory
14 committee shall hold at least one public hearing for
15 consideration of the plan. Notification of the public hearing
16 shall comply with the requirement of section 107. The plan
17 shall be available for public inspection at least ten working
18 days prior to the date of the public hearing. After
19 presentation of the recommendation by the advisory committee
20 or its representatives at a public meeting of the governing
21 body, the governing body may make such changes to the plan
22 prior to its adoption as the governing body deems appropriate
23 following review of the public comments made at the public
24 hearing.

25 (4) The governing body may periodically request the
26 impact fee advisory committee to review the capital
27 improvements plan and impact fee charges and make
28 recommendations for revisions for subsequent consideration
29 and adoption by the governing body based only on the
30 following:

1 (i) New subsequent development which has occurred in
2 the municipality.

3 (ii) Capital improvements contained in the capital
4 improvements plan, the construction of which has been
5 completed.

6 (iii) Unavoidable delays beyond the responsibility
7 or control of the municipality in the construction of
8 capital improvements contained in the plan.

9 (iv) Significant changes in the land use
10 assumptions.

11 (v) Significant changes in the estimated costs of
12 the proposed transportation or recreational area capital
13 improvements.

14 (vi) Significant changes in the projected revenue
15 from all sources listed needed for the construction of
16 the transportation and recreational area capital
17 improvements.

18 (f) Any improvements to Federal-aid or State highways to be
19 funded in part by impact fees shall require the approval of the
20 Department of Transportation and, if necessary, the United
21 States Department of Transportation. Nothing in this act shall
22 be deemed to alter or diminish the powers, duties or
23 jurisdiction of the Department of Transportation with respect to
24 State highways or the rural State highway system.

25 Section 505-A. Establishment and Administration of Impact
26 Fees.--(a) (1) The impact fee for transportation capital
27 improvements shall be based upon the total costs of the road
28 improvements included in the adopted capital improvement plan
29 within a given transportation service area attributable to
30 and necessitated by new development within the service area

1 as defined pursuant to section 504-A(e)(1)(iii), divided by
2 the number of anticipated peak hour trips generated by all
3 new development consistent with the adopted land use
4 assumptions and calculated in accordance with the Trip
5 Generation Manual published by the Institute of
6 Transportation Engineers, fourth or subsequent edition as
7 adopted by the municipality by ordinance or resolution to
8 equal a per trip cost for transportation improvements within
9 the service area.

10 (2) The specific impact fee for a specific new
11 development or subdivision within the service area for road
12 improvements shall be determined as of the date of
13 preliminary land development or subdivision approval by
14 multiplying the per trip cost established for the service
15 area as determined in section 503-A(a) by the estimated
16 number of trips to be generated by the new development or
17 subdivision using generally accepted traffic engineering
18 standards.

19 (3) A municipality may authorize or require the
20 preparation of a special transportation study in order to
21 determine traffic generation or circulation for a new
22 nonresidential development to assist in the determination of
23 the amount of the transportation fee for such development or
24 subdivision. The municipality shall set forth by ordinance
25 the circumstances in which such a study should be authorized
26 or required, provided however, that no special transportation
27 study shall be required when there is no deviation from the
28 land use assumptions resulting in increased density,
29 intensity or trip generation by a particular development. A
30 developer may, however, at any time, voluntarily prepare and

1 submit a traffic study for a proposed development or may have
2 such a study prepared at its expense after the development is
3 completed to include actual trips generated by the
4 development for use in any appeal as provided for under this
5 act. The special transportation study shall be prepared by a
6 qualified traffic or transportation engineer using procedures
7 and methods established by the municipality based on
8 generally accepted transportation planning and engineering
9 standards. The study, where required by the municipality,
10 shall be submitted prior to the imposition of an impact fee
11 and shall be taken into consideration by the municipality in
12 increasing or reducing the amount of the impact fee for the
13 new development for the amount shown on the impact fee
14 schedule adopted by the municipality.

15 (4) The impact fee for recreational areas capital
16 improvements shall be determined according to a formula
17 developed by the department.

18 (b) The governing body shall enact an impact ordinance
19 setting forth a description of the boundaries and a fee schedule
20 for each transportation service area and recreation service
21 area. At least ten working days prior to the adoption of the
22 ordinance at a public meeting, the ordinance shall be available
23 for public inspection. The impact fee ordinance shall include,
24 but not be limited to, those provisions set forth in section
25 503-A(a) and conform with the standards, provisions and
26 procedures set forth in this act.

27 (c) (1) A municipality may give notice of its intention to
28 adopt an impact fee ordinance by publishing a statement of
29 such intention twice in one newspaper of general circulation
30 in the municipality. The first publication shall not occur

1 before the adoption of the resolution by which the
2 municipality establishes its impact fee advisory committee.
3 The second publication shall occur not less than one nor more
4 than three weeks thereafter.

5 (2) A municipal impact fee ordinance adopted under and
6 pursuant to this act may provide that the provisions of the
7 ordinance may have retroactive application, for a period not
8 to exceed 18 months after the adoption of the resolution
9 creating an impact fee advisory committee pursuant to section
10 504-A(b)(1), to preliminary or tentative applications for
11 land development, subdivision or PRD with the municipality on
12 or after the first publication of the municipality's
13 intention to adopt an impact fee ordinance; provided,
14 however, that the impact fee imposed on building permits for
15 construction of new development approved pursuant to such
16 applications filed during the period of pendency shall not
17 exceed \$1,000 per anticipated peak hour trip as calculated in
18 accordance with the generally accepted traffic engineering
19 standards as set forth under the provisions of subsection
20 (a)(1) or the subsequently adopted fee established by the
21 ordinance, whichever is less.

22 (3) No action upon an application for land development,
23 subdivision, or PRD shall be postponed, delayed or extended
24 by the municipality because adoption of a municipal impact
25 fee ordinance is being considered. Furthermore, the adoption
26 of an impact fee ordinance more than 18 months after adoption
27 of a resolution creating the impact fee advisory committee
28 shall not be retroactive or applicable to plats submitted for
29 preliminary or tentative approval prior to the legal
30 publication of the proposed impact fee ordinance and any fees

collected pursuant to this subsection shall be refunded to the payor of such fees; provided the adoption of the impact fee ordinance was not delayed due to the initiation of any litigation challenging the adoption of such ordinance.

(d) Any impact fees collected by a municipality pursuant to a municipal ordinance shall be deposited by the municipality into an interest bearing fund account designated solely for impact fees, clearly identifying the transportation service area or recreation service area from which the fee was received.

Funds collected in one transportation service area or recreation service area must be accounted for and expended within that transportation service area or recreation service area, as the case may be, and such funds shall only be expended for that portion of the transportation or recreational area capital improvements identified as being funded by impact fees under the transportation and recreational area capital improvements plan.

All interest earned on such funds shall become funds of that account. The municipality shall provide that an accounting be made annually for any fund account containing impact fee proceeds and earned interest. Such accounting shall include, but not be limited to, the total funds collected, the source of the funds collected, the total amount of interest accruing on such funds and the amount of funds expended on specific transportation and recreational area improvements. Notice of the availability of the results of the accounting shall be included and published as part of the annual audit required of municipalities. A copy of the report shall also be provided to the advisory committee.

(e) All transportation and recreation impact fees imposed under the terms of this act shall be payable at the time of the

1 issuance of building permits for the applicable new development
2 or subdivision. The municipality may not require the applicant
3 to provide a guarantee of financial security for the payment of
4 any transportation and recreation impact fees, except the
5 municipality may provide for the deposit with the municipality
6 of financial security in an amount sufficient to cover the cost
7 of the construction of any road improvement or recreational area
8 improvement contained in the transportation and recreational
9 area capital improvement plan which is performed by the
10 applicant.

11 (f) An applicant shall be entitled to a credit against the
12 impact fee in the amount of the fair market value of any land
13 dedicated by the applicant to the municipality for future right-
14 of-way, realignment or widening of any existing roadways [or],
15 for the value of any construction of road improvements contained
16 in the transportation capital improvement program which is
17 performed at the applicant's expense or for the fair market
18 value of any land dedicated for recreational use. The amount of
19 such credit for any capital improvement constructed shall be the
20 amount allocated in the capital improvement program, including
21 contingency factors, for such work. The fair market value of any
22 land dedicated by the applicant shall be determined as of the
23 date of the submission of the land development or subdivision
24 application to the municipality.

25 (g) Impact fees previously collected by a municipality shall
26 be refunded, together with earned accrued interest thereon, to
27 the payor of such fees from the date of payment under any of the
28 following circumstances:

29 (1) In the event that a municipality terminates or
30 completes an adopted capital improvements plan for a

1 transportation service area or a recreation service area and
2 there remains at the time of termination or completion
3 undispersed funds in the accounts established for that
4 purpose, the municipality shall provide written notice by
5 certified mail to those persons who previously paid the fees
6 which remain undispersed of the availability of said funds
7 for refund of the person's proportionate share of the fund
8 balance. The allocation of the refund shall be determined by
9 generally accepted accounting practices. In the event that
10 any of the funds remain unclaimed following one year after
11 the notice, which notice shall be provided to the last known
12 address provided by the payor of the fees to the
13 municipality, the municipality shall be authorized to
14 transfer any funds so remaining to any other fund in the
15 municipality without any further obligation to refund said
16 funds.

17 (2) If the municipality fails to commence construction
18 of any transportation service area road improvements or
19 recreational area improvements within three years of the
20 scheduled construction date set forth in the transportation
21 and recreational area capital improvements plan, any person
22 who paid any impact fees pursuant to that transportation and
23 recreational area capital improvements plan shall, upon
24 written request to the municipality, receive a refund of that
25 portion of the fee attributable to the contribution for the
26 uncommenced road improvement, plus the interest accumulated
27 thereon from the date of payment.

28 (3) If, upon completion of any road or recreational area
29 improvements project, the actual expenditures of the capital
30 project are less than 95% of the costs properly allocable to

1 the fee paid within the transportation or recreation service
2 area in which the completed road improvement or recreational
3 area improvement was adopted, the municipality shall refund
4 the pro rata difference between the budgeted costs and the
5 actual expenditures, including interest accumulated thereon
6 from the date of payment, to the person or persons who paid
7 the impact fees for such improvements.

8 (4) If the new development for which transportation and
9 recreation impact fees were paid is not commenced prior to
10 the expiration of building permits issued for the new
11 development within the time limits established by applicable
12 building codes within the municipality or if the building
13 permit as issued for the new development is altered and the
14 alteration results in a decrease in the amount of the impact
15 fee due in accordance with the calculations set forth in
16 subsection (a)(1).

17 Section 506-A. Appeals.--(a) Any person required to pay an
18 impact fee shall have the right to contest the land use
19 assumptions, the development and implementation of the
20 transportation and recreational area capital improvement
21 program, the imposition of impact fees, the periodic updating of
22 the transportation and recreational area capital improvement
23 program, the refund of impact fees and all other matters
24 relating to impact fees, including the constitutionality or
25 validity of the impact fee ordinance by filing an appeal with
26 the court of common pleas.

27 * * *

28 Section 3. This act take effect immediately.