

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1715 Session of
2003

INTRODUCED BY STEIL, BROWNE, CAPPELLI, CREIGHTON, CRUZ,
GINGRICH, GODSHALL, GRUCELA, HERSHEY, KELLER, LEDERER, MELIO,
MICOZZIE, R. MILLER, MYERS, NAILOR, O'NEILL, REICHLEY,
RUBLEY, SCAVELLO, E. Z. TAYLOR, TIGUE, VANCE AND WATSON,
JUNE 25, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 25, 2003

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," providing for the refund of moneys paid for
21 certain improvements.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

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

1 adding a section to read:

2 Section 510.1 Refund of Money Paid for Improvements Not
3 Made.--(a) A municipality shall make a refund, in accordance
4 with this section, of money paid to it, plus interest
5 accumulated thereon from the date of payment, if each of the
6 following conditions are met:

7 (1) A person pays money to a municipality to offset all or a
8 portion of the cost of an improvement to be made by the
9 municipality in connection with the person's application for a
10 building permit, certificate-of-occupancy, development or any
11 other approval or permit required for construction, land
12 development, subdivision or occupancy.

13 (2) The municipality fails to utilize the money for the
14 purpose for which it was paid within three years after the
15 scheduled construction date set forth in a capital improvements
16 program or its equivalent, or if no such program exists, within
17 three years after the date of payment.

18 (b) This section shall not apply to refunds authorized under
19 any other provision of this act.

20 (c) Nothing herein shall limit the authority of a
21 municipality to assess the cost for any improvement against the
22 property benefited.

23 Section 2. This act shall apply to municipal assessments,
24 charges or fees imposed after June 30, 2003.

25 Section 3. This act shall take effect immediately.