

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 892 Session of
2003

INTRODUCED BY PILEGGI, RAFFERTY, ERICKSON, EARLL, HUGHES,
M. WHITE, ARMSTRONG, LEMMOND, WONDERLING AND WOZNIAK,
AUGUST 29, 2003

REFERRED TO LOCAL GOVERNMENT, AUGUST 29, 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," 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(1) 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) and amended June 22, 2000 (P.L.495, No.68),

1 is amended to read:

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

5 (1) Provisions for the submittal and processing of
6 plats, including the charging of review fees, and
7 specifications for such plats, including certification as to
8 the accuracy of plats and provisions for preliminary and
9 final approval and for processing of final approval by stages
10 or sections of development. Such plats and surveys shall be
11 prepared in accordance with the act of May 23, 1945 (P.L.913,
12 No.367), known as the "Engineer, Land Surveyor and Geologist
13 Registration Law," except that this requirement shall not
14 preclude the preparation of a plat in accordance with the act
15 of January 24, 1966 (1965 P.L.1527, No.535), known as the
16 "Landscape Architects' Registration Law," when it is
17 appropriate to prepare the plat using professional services
18 as set forth in the definition of the "practice of landscape
19 architecture" under section 2 of that act. Review fees may
20 include reasonable and necessary charges by the
21 municipality's professional consultants or engineer for
22 review and report thereon to the municipality and fees paid
23 to an attorney engaged by the municipality for services
24 related to a review of plats or development plans submitted
25 to the municipality. Such review fees shall be based upon a
26 schedule established by ordinance or resolution. Such review
27 fees shall be reasonable and in accordance with the ordinary
28 and customary charges by the municipal engineer or consultant
29 or attorney for similar service in the community, but in no
30 event shall the fees exceed the rate or cost charged by the

1 engineer or consultant or attorney to the municipalities when
2 fees are not reimbursed or otherwise imposed on applicants.

3 (i) In the event the applicant disputes the amount
4 of any such review fees, the applicant shall, within 14
5 days of the applicant's receipt of the bill, notify the
6 municipality that such fees are disputed, in which case
7 the municipality shall not delay or disapprove a
8 subdivision or land development application due to the
9 applicant's request over disputed fees.

10 (ii) In the event that the municipality and the
11 applicant cannot agree on the amount of review fees which
12 are reasonable and necessary, then the applicant and the
13 municipality shall follow the procedure for dispute
14 resolution set forth in section 510(g), provided that the
15 professionals resolving such dispute shall be of the same
16 profession or discipline as the [consultants]
17 professionals whose fees are being disputed.

18 * * *

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