

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2063 Session of
2005

INTRODUCED BY BOYD, ARMSTRONG, HERMAN, CRAHALLA, KOTIK, BALDWIN,
HICKERNELL, MUSTIO, O'NEILL, SONNEY, FREEMAN, HERSHEY,
MARSICO, TIGUE, STEIL, DENLINGER, MACKERETH AND SIPTROTH,
OCTOBER 17, 2005

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,
OCTOBER 17, 2005

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 implementation
21 agreements.

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

24 Section 1. Section 1104 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

1 (P.L.1329, No.170) and amended June 22, 2000 (P.L.483, No.67),
2 is amended to read:

3 Section 1104. Implementation Agreements.--(a) In order to
4 implement multimunicipal comprehensive plans under section 1103,
5 counties and municipalities shall have authority to enter into
6 intergovernmental cooperative agreements.

7 (b) Cooperative implementation agreements shall:

8 (1) Establish the process that the participating
9 municipalities will use to achieve general consistency
10 between the county or multimunicipal comprehensive plan and
11 zoning ordinances, subdivision and land development and
12 capital improvement plans within participating
13 municipalities, including [adoption] enactment of conforming
14 ordinances by participating municipalities within two years
15 and a mechanism for resolving disputes over the
16 interpretation of the multimunicipal comprehensive plan and
17 the consistency of implementing plans and ordinances. The
18 participating municipalities may amend the intergovernmental
19 cooperation agreement to extend the time to enact the
20 conforming ordinances by a period specified in the amendment.

21 (2) Establish a process for review and approval of
22 developments of regional significance and impact that are
23 proposed within any participating municipality. Subdivision
24 and land development approval powers under this act shall
25 only be exercised by the municipality in which the property
26 where the approval is sought. Under no circumstances shall a
27 subdivision or land development applicant be required to
28 undergo more than one approval process.

29 (3) Establish the role and responsibilities of
30 participating municipalities with respect to implementation

1 of the plan, including the provision of public infrastructure
2 services within participating municipalities as described in
3 subsection (d), the provision of affordable housing and
4 purchase of real property, including rights-of-way and
5 easements.

6 (4) Require a yearly report by participating
7 municipalities to the county planning agency and by the
8 county planning agency to the participating municipalities
9 concerning activities carried out pursuant to the agreement
10 during the previous year. Such reports shall include
11 summaries of public infrastructure needs in growth areas and
12 progress toward meeting those needs through capital
13 improvement plans and implementing actions and reports on
14 development applications and dispositions for residential,
15 commercial and industrial development in each participating
16 municipality for the purpose of evaluating the extent of
17 provision for all categories of use and housing for all
18 income levels within the region of the plan.

19 (5) Describe any other duties and responsibilities as
20 may be agreed upon by the parties.

21 (c) Cooperative implementation agreements may designate
22 growth areas, future growth areas and rural resource areas
23 within the plan. The agreement shall also provide a process for
24 amending the multimunicipal comprehensive plan and redefining
25 the designated growth area, future growth area and rural
26 resource area within the plan.

27 (d) The county may facilitate convening representatives of
28 municipalities, municipal authorities, special districts, public
29 utilities, whether public or private, or other agencies that
30 provide or declare an interest in providing a public

1 infrastructure service in a public infrastructure service area
2 or a portion of a public infrastructure service area within a
3 growth area, as established in a county or multimunicipal
4 comprehensive plan, for the purpose of negotiating agreements
5 for the provision of such services. The county may provide or
6 contract with others to provide technical assistance, mediation
7 or dispute resolution services in order to assist the parties in
8 negotiating such agreements.

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