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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No.

651

Session of

1961

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MESSRS. STEVENSON, LANE, SEYLER, HALUSKA AND  
CONFAIR, IN PLACE, MAY 22, 1961.

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AS AMENDED ON SECOND READING, AUGUST 15, 1961.

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AN ACT

To empower cities of the second class second class A and third class boroughs incorporated towus townships of the first and second class and counties of the third through eighth class individually or jointly to plan their development and to govern the same by zoning subdivision and land development ordinances and other ordinances by official maps by the reservation of certain land for future public purpose and by the acquisition of such land providing for the establishment of planning commissions planning

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter ~~stricken through~~ is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

departments and zoning hearing boards authorizing them to charge fees make inspections and hold public hearings providing for appropriations appeals to courts and penalties for violations and repealing acts and parts of acts

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

## 1 Article I

## 2 General Provisions

3 Section 101 Short Title This act shall be known and may be  
4 cited as the "Pennsylvania Planning Code"

5 Section 102 Effective Date This act shall take effect January 1  
6 1962

7 Section 103 Construction of Act The provisions of this act as far as  
8 they are the same as those of existing laws are intended as a continuation  
9 of such laws except for those portions of the laws which are specifically  
10 repealed However the repeal by this act of any act of Assembly or part  
11 thereof shall not revive any act or part thereof heretofore repealed or  
12 superseded by law The provisions of this act shall not affect any act done  
13 contract executed or liability incurred prior to its effective date or affect  
14 any suit or prosecution pending or to be instituted to enforce any right  
15 rule regulation or ordinance or to punish any offense against any such  
16 repealed laws or against any ordinance enacted under them All ordi-  
17 nances resolutions regulations and rules made pursuant to any act of  
18 Assembly repealed by this act shall continue in effect as if such act  
19 had not been repealed

1 SECTION 103 CONSTRUCTION AND APPLICABILITY OF  
2 THE ACT (A) THIS ACT SHALL NOT APPLY IN ANY MUNIC-  
3 IPALITY UNLESS THE MUNICIPALITY SHALL BY ORDI-  
4 NANCE ELECT TO COMPLY WITH AND BE GOVERNED BY  
5 THE PROVISIONS OF THIS ACT ANY SUCH ELECTION SHALL  
6 BE INCLUSIVE OF ALL PROVISIONS OF THIS ACT AND ALL  
7 PROVISIONS IN OTHER ACTS OF ASSEMBLY RELATING TO  
8 MATTERS WITHIN THE SCOPE OF THIS ACT SHALL BE  
9 INAPPLICABLE AFTER THE ADOPTION OF THE ORDI-  
10 NANCE ELECTING THAT THE MUNICIPALITY SHALL COM-  
11 PLY WITH AND BE GOVERNED BY THE PROVISIONS OF  
12 THIS ACT EXCEPT THAT WHEN ANY COUNTY ELECTS BY  
13 ORDINANCE TO COMPLY WITH AND BE GOVERNED BY  
14 THE PROVISIONS OF THIS ACT AND ANY CITY BOROUGH  
15 INCORPORATED TOWN OR TOWNSHIP WITHIN SUCH  
16 COUNTY HAS NOT MADE SUCH ELECTION THE PROVISIONS  
17 OF THE OTHER LAWS SHALL APPLY TO SUCH CITY BOR-  
18 OUGH INCORPORATED TOWN OR TOWNSHIP IN REGARD  
19 TO ANY MATTERS WITHIN THE SCOPE OF SUCH OTHER  
20 LAWS THIS ACT SHALL NOT REPEAL OR MODIFY ANY OF

1 THE PROVISIONS OF THE "PUBLIC UTILITY LAW"

2 (B) THE ELECTION OF ANY MUNICIPALITY TO COMPLY  
3 WITH AND BE GOVERNED BY THE PROVISIONS OF THIS  
4 ACT SHALL NOT AFFECT ANY ACT DONE CONTRACT OR  
5 LIABILITY INCURRED PRIOR TO THE DATE ON WHICH  
6 THE ELECTION TO ACCEPT THIS ACT OCCURRED OR AF-  
7 FECT ANY SUIT OR PROSECUTION PENDING OR TO BE  
8 INSTITUTED TO ENFORCE ANY RIGHT RULE REGULATION  
9 OR ORDINANCE OR TO PUNISH ANY OFFENSE AGAINST  
10 SUCH OTHER LAWS OR AGAINST ANY ORDINANCE EN-  
11 ACTED UNDER THEM ALL ORDINANCES RESOLUTIONS  
12 REGULATIONS AND RULES MADE PURSUANT TO ANY  
13 OTHER ACT OF ASSEMBLY SHALL CONTINUE IN EFFECT  
14 AS IF SUCH OTHER ACT HAD NOT BEEN SUPERSEDED BY  
15 SUCH ELECTION TO ACCEPT THE PROVISIONS OF THIS ACT

16 Section 104 Constitutional Construction The provisions of this act  
17 shall be severable and if any of its provisions shall be held to be uncon-  
18 stitutional the validity of any of the remaining provisions of this act  
19 shall not be affected It is hereby declared as the legislative intention that

1 this act would have been adopted had such unconstitutional provision  
2 not been included therein

3 Section 105 Purpose of Act It is the intent purpose and scope of  
4 this act to protect and promote safety health and morals to accomplish a  
5 coordinated and harmonious development of municipalities to provide  
6 for guide and protect amenity convenience futuro governmental economic  
7 social cultural and aesthetic development and growth and other aspects of  
8 the general welfare as well as the improvement of governmental processes  
9 and functions to guide uses of land and structures type and location of  
10 streets provision and location of public grounds and other facilities and  
11 to permit municipalities to prevent minimize and eliminate such prob-  
12 lems as may presently exist or which may be foreseen IT IS THE  
13 FURTHER INTENT OF THIS ACT THAT ANY RECOMMENDA-  
14 TIONS MADE BY ANY PLANNING AGENCY TO ANY GOV-  
15 ERNING BODY SHALL BE ADVISORY ONLY

16 Section 106 Appropriations Grants and Gifts The governing  
17 body of every municipality is hereby authorized and empowered to make  
18 such appropriations as it may see fit to accept gifts grants or bequests  
19 from public and private sources for the purpose of carrying out the

1 powers and duties conferred by this act and to enter into agreements  
2 regarding the acceptance or utilization of such grants gifts or bequests

3 Section 107 Definitions As used in this act except where the con-  
4 text clearly indicates otherwise the following words or phrases have the  
5 meaning indicated below

6 (1) "Appointing authority" the mayor in cities the chairman of  
7 the board of commissioners in counties ~~the council in incorporated towns~~  
8 ~~and boroughs the president of the board of commissioners in townships~~  
9 ~~of the first class and the chairman of the board of supervisors in town-~~  
10 ~~ships of the second class AND (I) THE PRESIDENT OF COUNCIL~~  
11 ~~IN BOROUGHS AND INCORPORATED TOWNS OR THE PRESI-~~  
12 ~~DENT OF THE BOARD OF COMMISSIONERS IN TOWNSHIPS~~  
13 ~~OF THE FIRST CLASS OR THE CHAIRMAN OF THE BOARD~~  
14 ~~OF SUPERVISORS IN TOWNSHIPS OF THE SECOND CLASS~~  
15 ~~IF THE POWERS AND DUTIES SET FORTH IN THIS ACT ARE~~  
16 ~~CONFERRED UPON A COMMITTEE OF THE GOVERNING~~  
17 ~~BODY AND (II) THE GOVERNING BODY AS A WHOLE IF A~~  
18 ~~PLANNING COMMISSION OR PLANNING DEPARTMENT OR~~

1 BOTH IS CREATED IN ANY BOROUGH INCORPORATED  
2 TOWN OR TOWNSHIP

3 (2) "County" any county of the third through eighth classes

4 (3) "Governing body" the council in cities of the second class  
5 second class A third class boroughs and incorporated towns the board  
6 of commissioners in townships of the first class the board of supervisors  
7 in townships of the second class the board of commissioners in counties  
8 of the third through eighth classes

9 (4) "Developer" any owner of land agent of such owner or tenant  
10 with the permission of such owner who makes or causes to be made a  
11 subdivision of land or a land development

12 (5) "Land development" the improvement of one or more contigu-  
13 ous lots tracts or parcels of land for any purpose involving (i) a group  
14 of two or more buildings or (ii) the division or allocation of land be-  
15 tween or among two or more existing or prospective occupants by means  
16 of or for the purpose of streets common areas leaseholds building groups  
17 or other features

18 (6) "Municipality" any city of the second class second class A or  
19 third class borough incorporated town township of the first or second  
20 class and county of the third through eighth classes

1 (7) "Planning agency" a planning commission or planning depart-  
2 ment OR A PLANNING COMMITTEE OF THE GOVERNING  
3 BODY

4 (8) "Plat" the map or plan of a subdivision or land development

5 (9) "Public grounds" includes (i) parks playgrounds and other  
6 public areas for active or passive recreation and (ii) sites for schools  
7 sewage treatment refuse disposal and other publicly owned or operated  
8 facilities

9 (10) "Public notices" notice given not more than thirty days and  
10 not less than ten days in advance of any public hearing required by this  
11 act Such notice shall be published once in a newspaper of general cir-  
12 culation in the municipality Such notice shall state the time and place  
13 of the hearing and the nature of the matter to be considered at the  
14 hearing

15 (11) "Street" includes street avenue boulevard road highway free-  
16 way parkway lane alley viaduct and any other ways used or intended  
17 to be used by vehicular traffic or pedestrians whether public or private

18 (12) "Structure" any man-made object having an ascertainable  
19 stationary location on or in land or water whether or not affixed to  
20 the land

1 (13) "Subdivision" the division or redivision of a lot tract or parcel  
2 of land by any means into two or more lots tracts parcels or other  
3 divisions of land including changes in existing lot lines for the purpose  
4 whether immediate or future of lease transfer of ownership or building  
5 development provided however that the division of land for agricultural  
6 purposes into parcels of more than ten acres not involving any new  
7 street or easement of access shall be exempted

8 Article II

9 Planning Agencies

10 Section 201 Creation of Planning Agencies The governing body of  
11 any municipality shall have the power to create by ordinance a planning  
12 commission or planning department or both An ordinance which creates  
13 both a planning commission and a planning department shall specify  
14 which of the powers and duties conferred on planning agencies by this  
15 act each shall exercise and may confer upon each additional powers  
16 duties and advisory functions not inconsistent with this act IN LIEU OF  
17 A PLANNING COMMISSION OR PLANNING DEPARTMENT  
18 THE GOVERNING BODY MAY ELECT TO ASSIGN THE POW-  
19 ERS AND DUTIES CONFERRED BY THIS ACT UPON A PLAN-

1 NING COMMITTEE COMPRISED OF MEMBERS APPOINTED  
2 FROM THE GOVERNING BODY

3 Section 202 Planning Commission If the governing body of any  
4 municipality shall elect to create a planning commission such commission  
5 shall have not less than ~~five~~ THREE nor more than nine members All  
6 members of the commission shall serve without compensation but may be  
7 reimbursed for necessary and reasonable expenses However elected or ap-  
8 pointed officers or employes of the municipality shall not by reason of  
9 membership thereon forfeit the right to exercise the powers perform  
10 the duties or receive the compensations of the municipal offices held  
11 by them during such membership

12 Section 203 Appointment Term and Vacancy All members of the  
13 commission shall be appointed by the appointing authority of the munic-  
14 ipality All such appointments shall be approved by the governing  
15 body except where the appointing authority and the governing body are  
16 the same The term of each of the members of the commission shall be  
17 for ~~five~~ FOUR years or until his successor is appointed and qualified ex-  
18 cept that the terms of the members first appointed pursuant to this act  
19 shall be so fixed that ON COMMISSIONS OF EIGHT MEMBERS OR  
20 LESS no more than two ~~nor less than one~~ shall be reappointed or replaced

1 during each succeeding ANY future calendar year AND ON COMMIS-  
2 SIONS OF NINE MEMBERS NO MORE THAN THREE SHALL  
3 BE SO REAPPOINTED OR REPLACED The chairman of the plan-  
4 ning commission shall promptly notify the appointing authority of the  
5 municipality concerning vacancies in the commission and such vacancy  
6 shall be filled for the unexpired term

7 Section 204 Members of Existing Commissions The members of  
8 any existing planning commission established under former OTHER  
9 laws shall continue in office until the end of the term for which they  
10 were appointed their successors shall be appointed as provided by this act  
11 If a vacancy shall occur otherwise than by expiration of term it shall be  
12 filled by appointment for the unexpired term according to the terms of  
13 this article Should the governing body of any municipality determine  
14 to increase the number of members of an already existing planning  
15 commission the additional members shall be appointed as provided in  
16 this article If the governing body of any municipality shall determine  
17 to reduce the number of members on any existing planning commission  
18 such reduction shall be effectuated by allowing the terms to expire  
19 and by making no new appointments to fill the vacancy Such reduction  
20 shall be by ordinance

1        However should the governing body pursuant to this act elect to  
2 create a planning department in lieu of a planning commission then  
3 any existing planning commission shall cease to exist not later than  
4 thirty days subsequent to the effective date of the ordinance creating  
5 such department All records and files of the commission shall be  
6 delivered to the department

7        Section 205 Membership At least a majority of the members of the  
8 planning commission shall be residents of the municipality On all plan-  
9 ning commissions appointed pursuant to this act a certain number of the  
10 members designated as citizen members shall not be officers or employes  
11 of the municipality On A COMMISSION OF THREE MEMBERS AT  
12 LEAST TWO SHALL BE CITIZEN MEMBERS ON a commission of  
13 FOUR OR five members at least ~~four~~ THREE shall be citizen members  
14 on a commission of either six or seven members at least five shall be  
15 citizen members and on commissions of either eight or nine members  
16 at least six shall be citizen members

17        Section 206 Removal Any member of a planning commission once  
18 qualified and appointed may be removed from office at the will of the  
19 appointing authority Each such removal shall be with the consent of  
20 the governing body except where the appointing authority and the

1 governing body are the same Any appointment to fill a vacancy created  
2 by removal shall be only for the unexpired term

3       Section 207 Conduct of Business The commission shall elect its  
4 own chairman and vice-chairman from the citizen members and create  
5 and fill such other offices as it may determine Officers shall serve an-  
6 nual terms and may succeed themselves The commission may make and  
7 alter by-laws and rules and regulations to govern its procedures con-  
8 sistent with the ordinances of the municipality and the laws of the  
9 Commonwealth The commission shall keep a full record of its business  
10 and shall annually make a report of its activities to the governing body  
11 Interim reports may be made as often as may be necessary

12       Section 208 Planning Department Director For the administration  
13 of each planning department the appointing authority shall appoint  
14 a director of planning Each such appointment shall be with the ap-  
15 proval of the governing body except where the appointing authority  
16 and the governing body are the same The director of planning shall  
17 be in charge of the administration of the department and shall exercise  
18 the powers and be subject to the duties that are granted or imposed on  
19 a planning agency by this act except that where a municipality creates  
20 both a planning commission and a planning department the director of

1 planning shall exercise only those powers and be subject to only those  
2 duties which are specifically conferred upon him by ordinance enacted  
3 pursuant to this article

4 Section 209 Powers and Duties of Planning Agency (a) The  
5 planning agency shall have the power and shall be required to

6 (1) Prepare the comprehensive plan for the development of the  
7 municipality as set forth in this act

8 (2) Maintain and keep on file records of its actions

9 (b) The planning agency at the request of the governing body may

10 (1) Prepare and maintain for the governing body of the munici-  
11 pality an official map and make recommendations to the governing body  
12 on proposed changes in such map as set forth in this act

13 (2) Prepare and present to the governing body of the municipality  
14 a zoning ordinance and make recommendations to the governing body on  
15 proposed amendments to it as set forth in this act

16 (3) Prepare ~~administer and enforce~~ AND ADMINISTER subdi-  
17 vision and land development regulations as set forth in this act

18 (4) Prepare and present to the governing body of the municipality  
19 a building code and make recommendations to the governing body on  
20 proposed amendments thereto

1 (5) Prepare and present to the governing body of the municipality  
2 a housing code and make recommendations to the governing body on  
3 proposed amendments thereto

4 (6) Submit to the appointing authority of the municipality a recom-  
5 mended capital improvements program

6 (7) Prepare and adopt plans and submit reports to the governing  
7 body with respect to the renewal and the redevelopment of the munici-  
8 pality

9 (8) Promote public interest in and understanding of the compre-  
10 hensive plan and planning

11 (9) Make recommendations to governmental civic and private agen-  
12 cies and individuals as to the effectiveness of its proposals

13 (10) Hold public hearings and meetings ~~on its own initiative~~

14 (11) Require from other departments and agencies of the munici-  
15 pality such available information as relates to the work of the planning  
16 agency

17 (12) In the performance of its functions enter upon any land to  
18 make examinations and surveys

1           (13) Do such other act or make such studies as the governing body  
2 may require or which may be necessary to fulfill the duties and obli-  
3 gations imposed by this act

4           Section 210 Administrative and Technical Assistance The plan-  
5 ning agency may employ administrative and technical services or con-  
6 tract for such services in accordance with the governmental procedures  
7 of the municipality to the extent permitted by its financial resources  
8 and may request the governing body to provide additional services from  
9 other departments and agencies of the municipality A county planning  
10 agency may perform planning services for any city borough incorporated  
11 town or township which requests such assistance and may enter into  
12 agreements or contracts for such work

13           Section 211 Assistance The planning agency may with the consent  
14 of the governing body accept and utilize any funds personnel or other  
15 assistance made available by the county the Commonwealth or the Fed-  
16 eral government or any of their agencies or from private sources and  
17 may enter into agreements or contracts regarding the acceptance or  
18 utilization of the funds or assistance in accordance with the govern-  
19 mental procedures of the municipality

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Article III

Comprehensive Plan

Section 301 Preparation of Comprehensive Plan The planning

agency shall prepare and maintain a comprehensive plan for the development of the municipality The comprehensive plan consisting of maps charts and textual matter shall indicate the recommendations of the planning agency for the continuing development of the municipality in matters relating to or affecting safety health morals and general welfare The comprehensive plan shall include as a minimum the following related elements

(1) A statement of objectives of the municipality concerning its future development

(2) A plan for land use which may include the amount intensity and character of land use proposed for residence industry business agriculture major traffic and transit facilities public grounds flood plains and other areas of special hazards and other similar uses

(3) A plan for movement of people and goods which may include expressways highways local street systems parking facilities mass transit routes terminals airfields port facilities railroad facilities and other similar facilities or uses

1 (4) A plan for community facilities and utilities which may include  
2 public and private education recreation municipal buildings libraries  
3 water supply sewage disposal refuse disposal storm drainage hospitals  
4 and other similar uses

5 (5) A map or statement indicating the relationship of the munici-  
6 pality and its proposed development to adjacent municipalities and areas

7 In preparing the comprehensive plan the planning agency shall  
8 make careful surveys and studies of existing conditions and prospects  
9 for future growth in the municipality

10 Section 302 Adoption of Comprehensive Plan The governing body  
11 shall have the power to adopt and amend the comprehensive plan as  
12 a whole or in parts The governing body may by ordinance confer such  
13 power upon the planning commission if any Before adopting or amending  
14 a comprehensive plan or any part thereof the governing body or the  
15 planning commission if it be authorized to exercise such power shall  
16 hold a public hearing pursuant to public notice The adoption of the  
17 comprehensive plan or any part thereof or any amendment thereto  
18 shall be by resolution carried by the affirmative votes of not less than  
19 a majority of all the members of the governing body or commission as

1 the case may be The resolution shall refer expressly to the maps charts  
2 textual matter and other matters intended to form the whole or part  
3 of the plan and the action taken shall be recorded on the adopted plan  
4 or part A copy of any such resolution of a planning commission shall  
5 be forwarded to the governing body of the municipality

6 Section 303 Legal Status of Comprehensive Plan Following the  
7 adoption of the comprehensive plan or any part thereof any proposed  
8 action of the governing body relating to (1) the location opening vaca-  
9 tion extension widening narrowing or enlargement of any street public  
10 ground pierhead or watercourse (2) the location erection demolition  
11 removal or sale of any public structure located within the municipality  
12 or (3) adoption or repeal of an official map subdivision and land de-  
13 velopment ordinance or zoning ordinance shall be (i) submitted to the  
14 planning agency for its recommendations and (ii) specifically found by  
15 the governing body to be in accordance with the spirit and intent of  
16 the formally adopted portions of the comprehensive plan before final  
17 action shall be taken by the governing body The recommendations of  
18 the planning agency shall be made to the governing body within thirty  
19 days

20 Section 304 Municipal and County Comprehensive Plans When

1 a city borough incorporated town or township having a comprehensive  
2 plan is located in a county which has adopted a comprehensive plan  
3 both the county and the city borough incorporated town or township  
4 shall each give the plan of the other ~~adequate~~ consideration in order  
5 that the objectives of each plan can be protected to the greatest extent  
6 possible

7 Article IV

8 Official Map

9 Section 401 Grant of Power The governing body of each municipi-  
10 pality shall have the power to make or cause to be made surveys of  
11 the exact location of the lines of existing and proposed public streets  
12 watercourses and public grounds including widenings narrowings ex-  
13 tensions diminutions openings or closings of same for the whole of the  
14 municipality and by ordinance to adopt such surveys as the official map  
15 or part thereof of the municipality The governing body by amending  
16 ordinances may make additions or modifications to the official map or  
17 part thereof by adopting surveys of the exact location of the lines of  
18 the public streets watercourses or public grounds to be so added or modi-  
19 fied and may also vacate any existing or proposed public streets water-

1 course or public ground contained in the official map or part thereof  
2 Section 402 Adoption of the Official Map and Amendments Thereto  
3 Prior to the adoption of any survey of existing or proposed public streets  
4 watercourses or public grounds as the official map or part thereof or  
5 any amendments to the official map the governing body shall refer such  
6 surveys and amendments to the planning agency for review The planning  
7 agency shall report its recommendations on said proposed official map  
8 part thereof or amendment thereto within forty days unless an exten-  
9 sion of time shall be agreed to by the governing body Upon receipt of  
10 the report of the planning agency the governing body before voting on  
11 the enactment of the proposed official map part thereof or amendment  
12 thereto shall hold a public hearing thereon The governing body shall  
13 give public notice of such hearing Such notice shall be sent by cer-  
14 tified or registered mail to the last known address of the recorded own-  
15 ers of the lands wholly or partially included within or abutting on the  
16 lines of any existing and proposed public streets watercourses or public  
17 grounds shown or laid out on the proposed official map part thereof or  
18 amendment thereto

19 Section 403 Effect of Approved Plats on Official Map After adop-  
20 tion of the official map or part thereof all streets watercourses and

1 public grounds on final recorded plats which have been approved as  
2 provided by this act shall be deemed amendments to the official map  
3 Notwithstanding any of the other terms of this article no public hear-  
4 ing need be held or notice given if the amendment of the official map  
5 is the result of the addition of a plat which has been approved as  
6 provided by this act

7 Section 404 Effect of Official Map on Mapped Streets Water-  
8 courses and Public Grounds The adoption of any street or street lines  
9 as part of the official map shall not in and of itself constitute or be  
10 deemed to constitute the opening or establishment of any street nor  
11 the taking or acceptance of any land for street purposes nor shall it  
12 obligate the municipality to improve or maintain any such street The  
13 adoption of proposed watercourses or public grounds as part of the  
14 official map shall not in and of itself constitute or be deemed to con-  
15 stitute a taking or acceptance of any land by the municipality

16 Section 405 Structures in Mapped Streets Watercourses and Pub-  
17 lic Grounds For the purpose of preserving the integrity of the official  
18 map of the municipality no permit shall be issued for any structure  
19 within the lines of any street watercourse or public ground shown or

1 laid out on the official map No person shall recover any damages for  
2 the taking for public use of any structure or improvements constructed  
3 within the lines of any street watercourses or public ground after the  
4 same shall have been included in the official map and any such struc-  
5 ture or improvement shall be removed at the expense of the owner  
6 However when the property of which the reserved location forms a  
7 part cannot yield a reasonable return to the owner unless a permit  
8 shall be granted the owner may apply to the governing body for the  
9 grant of a permit to so build Before granting any permit authorized  
10 in this section the governing body shall give public notice and hold a  
11 public hearing at which all parties in interest shall have an opportunity  
12 to be heard A refusal by the governing body to grant the permit applied  
13 for may be appealed by the applicant to court in the same manner and  
14 within the same time limitation as is provided for zoning appeals by  
15 this act

16 Section 406 Time Limitations on Reservations for Future Taking  
17 The governing body may fix the time for which streets watercourses  
18 and public grounds shown on the official map shall be deemed reserved  
19 for future taking or acquisition for public use However the reservation  
20 for public grounds shall lapse and become void one year after an owner

1 of such property has made formal application for an official permit to  
2 build a structure for private use unless the governing body shall have  
3 acquired the property or begun formal action to acquire such property  
4 before the end of the year

5       Section 407 Release of Damage Claims or Compensations The gov-  
6 erning body may designate any of its agencies to negotiate for or se-  
7 cure from the owner of land whereon reservations are made releases  
8 of claims for damages or compensation for such reservations or agree-  
9 ments indemnifying the governing body from such claims by others  
10 which releases or agreements when properly recorded shall be binding  
11 upon the successor in title

12       Section 408 Notice to Other Municipalities When any county has  
13 adopted an official map in accordance with the terms of this article  
14 a certified copy of the map and the ordinances adopting it shall be  
15 sent to every city borough incorporated town and township within said  
16 county All amendments shall be sent to the aforementioned municipali-  
17 ties The adoption of an official map by any county within the Common-  
18 wealth shall have the legal effect as set forth in this article except in  
19 any city borough incorporated town or township in the county that

1 shall adopt an official map for the municipality THE POWERS OF  
2 THE GOVERNING BODIES OF COUNTIES TO ADOPT AMEND  
3 AND REPEAL OFFICIAL MAPS SHALL BE LIMITED TO LAND  
4 AND WATERCOURSES IN THOSE CITIES BOROUGHS IN-  
5 CORPORATED TOWNS AND TOWNSHIPS WHOLLY OR  
6 PARTLY WITHIN THE COUNTY WHICH HAVE NO OFFI-  
7 CIAL MAP IN EFFECT AT THE TIME AN OFFICIAL MAP IS  
8 INTRODUCED BEFORE THE GOVERNING BODY OF THE  
9 COUNTY AND UNTIL THE CITY BOROUGH INCORPORATED  
10 TOWN OR TOWNSHIP OFFICIAL MAP IS IN EFFECT THE  
11 ADOPTION OF AN OFFICIAL MAP BY ANY MUNICIPALITY  
12 OTHER THAN A COUNTY WHOSE LAND OR WATERCOURSES  
13 ARE SUBJECT TO COUNTY OFFICIAL MAPPING SHALL ACT  
14 AS A REPEAL PROTANTO OF THE COUNTY OFFICIAL MAP  
15 WITHIN THE MUNICIPALITY ADOPTING SUCH ORDINANCE  
16 Notwithstanding any of the other terms or conditions of this section  
17 the county official map shall govern as to county streets and public  
18 grounds even though such streets or public grounds are located in a  
19 municipality which has adopted an official map When a city borough  
20 incorporated town or township within a county which has adopted an

1 official map also adopts such an official map a certified copy of the map  
2 the ordinance adopting it and any later amendments shall be forwarded  
3 to the county planning agency or if no such agency exists to the gov-  
4 erning body of the county Additionally if any municipality adopts  
5 an official map or amendment thereto that shows any street intended  
6 to lead into any adjacent municipality a certified copy of said official  
7 map or amendment shall be forwarded to such adjacent municipality

8 **Article V**

9 **Subdivision and Land Development**

10 **Section 501 Grant of Power** In order to protect and promote the  
11 health safety morals and general welfare and to promote the harmonious  
12 orderly and progressive development of land within its boundaries the  
13 governing body of each municipality may enact a subdivision and  
14 land development ordinance Pursuant to such ordinance the governing  
15 body is hereby authorized to modify approve or disapprove all plats  
16 of land within the municipality adopting such ordinance or to designate  
17 the planning agency as its official agent for such purposes

18 **Section 502 Jurisdiction of County Planning Agencies** When any  
19 county has adopted a subdivision and land development ordinance in

1 accordance with the terms of this article a certified copy of the ordi-  
2 nance shall be sent to every city borough incorporated town or town-  
3 ship within the county All amendments shall also be sent to the afore-  
4 mentioned municipalities ~~A subdivision and land development ordinance~~  
5 ~~adopted by any county shall be effective in every city borough incor-~~  
6 ~~porated town or township except those which now or hereafter adopt~~  
7 ~~a subdivision and land development ordinance as set forth in this~~  
8 ~~article and file such ordinance with the county planning agency if~~  
9 ~~one exists.~~ THE POWERS OF THE GOVERNING BODIES OF  
10 COUNTIES TO ENACT AMEND AND REPEAL SUBDIVI-  
11 SION AND LAND DEVELOPMENT ORINANCES SHALL BE  
12 LIMITED TO LAND IN THOSE CITIES BOROUGHS INCOR-  
13 PORATED TOWNS AND TOWNSHIPS WHOLLY OR PARTLY  
14 WITHIN THE COUNTY WHICH HAVE NO SUBDIVISION AND  
15 LAND DEVELOPMENT ORDINANCE IN EFFECT AT THE  
16 TIME A SUBDIVISION AND LAND DEVELOPMENT ORDI-  
17 NANCE IS INTRODUCED BEFORE THE GOVERNING BODY  
18 OF THE COUNTY AND UNTIL THE CITY BOROUGH INCOR-  
19 PORATED TOWN OR TOWNSHIP SUBDIVISION AND LAND  
20 DEVELOPMENT ORDINANCE IS IN EFFECT AND A CERTI-

1 FILED COPY OF SUCH ORDINANCE IS FILED WITH THE  
2 COUNTY PLANNING AGENCY IF ONE EXISTS THE ENACT-  
3 MENT OF A SUBDIVISION AND LAND DEVELOPMENT  
4 ORDINANCE BY ANY MUNICIPALITY OTHER THAN A  
5 COUNTY WHOSE LAND IS SUBJECT TO A COUNTY SUB-  
6 DIVISION AND LAND DEVELOPMENT ORDINANCE SHALL  
7 ACT AS A REPEAL PROTANTO OF THE COUNTY SUBDIVI-  
8 SION AND LAND DEVELOPMENT ORDINANCE WITHIN THE  
9 MUNICIPALITY ADOPTING SUCH ORDINANCE However all  
10 plats of land located within a city borough incorporated town or town-  
11 ship having adopted a subdivision and land development ordinance as  
12 set forth in this article shall nevertheless be referred to the county  
13 planning agency if any for ~~review and report~~ STUDY AND RECOM-  
14 MENDATION and such county planning agency shall be required  
15 to report to the municipality within thirty days or forfeit the right  
16 to review Further any city borough incorporated town or township  
17 may adopt by reference the subdivision and land development ordinance  
18 of the county and may by separate ordinance designate the county  
19 planning agency as its official administrative agent for review and ap-  
20 proval of plats

1 Section 503 Contents of Subdivision and Land Development

2 Ordinance The subdivision and land development ordinance may include  
3 but need not be limited to provisions involving

4 (1) Procedures for the submittal and processing of plats and  
5 specifications for such plats

6 (2) Regulations for insuring that (i) the layout or arrange-  
7 ment of the subdivision or land development shall conform to the  
8 comprehensive plan and to any regulations or maps adopted in further-  
9 ance thereof (ii) streets in and bordering a subdivision or land de-  
10 velopment shall be so coordinated as to compose a convenient and  
11 safe system and be of such widths and grades and in such locations  
12 as deemed necessary to accommodate prospective traffic afford sufficient  
13 light and air and facilitate fire protection (iii) adequate easements  
14 or rights-of-way shall be provided for drainage and utilities (iv)  
15 reservations of any public grounds designed for public use shall be  
16 of suitable size and location for their designated uses (v) sufficient  
17 and suitable monuments shall be placed to enable the survey of the  
18 subdivision or land development or any part thereof to be retraced  
19 (vi) land which is subject to flooding subsidence underground fires

1 or other conditions constituting a menace to safety health or general  
2 welfare either shall be made safe for the purposes for which such land  
3 is proposed to be used or that such land shall be set aside for uses  
4 which shall not endanger life or property or further aggravate or  
5 increase the existing menace and (vii) adequate provision for drainage  
6 is made

7 (3) Regulations governing the extent to which and the manner  
8 in which streets shall be graded and improved and walkways curbs  
9 gutters street lights fire hydrants shade trees water and sewage facili-  
10 ties and other improvements shall be installed as a condition precedent  
11 to final approval of plats

12 Section 504 Enactment of Subdivision and Land Development  
13 Ordinance Before voting on the enactment of a proposed subdivision  
14 and land development ordinance the governing body shall hold a public  
15 hearing thereon pursuant to public notice A brief summary setting  
16 forth the principal provisions of the proposed ordinance and a ref-  
17 erence to the place within the municipality where copies of the pro-  
18 posed ordinance may be secured or examined shall be incorpo-  
19 rated in the public notice Unless the proposed subdivision and  
20 land development ordinance shall have been prepared by the planning

1 agency the governing body shall submit the ordinance to the planning  
2 agency at least forty days prior to the hearing on such ordinance to pro-  
3 vide the planning agency an opportunity to submit recommendations

4 Section 505 Enactment of Subdivision and Land Development  
5 Ordinance Amendment Amendments to the subdivision and land de-  
6 velopment ordinance shall become effective only after a public hear-  
7 ing held pursuant to public notice in the manner prescribed for enact-  
8 ment of a proposed ordinance by this article In addition in case of  
9 an amendment other than that prepared by the planning agency the  
10 governing body shall submit each such amendment to the planning  
11 agency for recommendations at least thirty days prior to the date  
12 fixed for the public hearing on such proposed amendment

13 Section 506 Publication After Enactment After enactment if  
14 the advertisement of a subdivision and land development ordinance or  
15 amendment is required by other laws respecting the advertisement of  
16 ordinances such advertisement may consist solely of a reference to  
17 the place or places within the municipality where copies of such ordi-  
18 nance or amendment shall be obtainable for a charge not greater than  
19 the cost thereof and available for examination without charge Sub-

1 division and land development ordinances and amendments may be in-  
2 corporated into official ordinance books by reference with the same  
3 force and effect as if duly recorded therein

4 **Section 507 Effect of Subdivision and Land Development Ordinance**

5 Where a subdivision and land development ordinance has been enacted  
6 by a municipality under the authority of this article no subdivision or  
7 land development of any lot tract or parcel of land shall be made no  
8 street sanitary sewer storm sewer water main or other improvements in  
9 connection therewith shall be laid out constructed opened or dedicated  
10 for public use or travel or for the common use of occupants of buildings  
11 abutting thereon except in strict accordance with the provisions of  
12 such ordinance

13 **Section 508 Approval of Plats** Every plat shall be subject to  
14 final approval by the governing body The governing body however in  
15 the subdivision and land development ordinance may designate the plan-  
16 ning agency as the official agent for final approval of plats Such grant  
17 of final approval authority to the planning agency may be limited to  
18 plats of land laid out in strict conformance with the literal requirements

1 of the subdivision and land development ordinance or to plats of land  
2 abutting improved streets of sufficient width or may be limited to such  
3 other specific circumstances or conditions specified in the subdivision and  
4 land development ordinance The governing body or the planning agency  
5 as the case may be shall act upon each plat within such reasonable  
6 time limits as may be fixed in the subdivision and land development  
7 ordinance

8       Section 509 Public Hearing A public hearing may be held upon any  
9 plat submitted for consideration All parties in interest shall be notified  
10 In addition such public notice as is deemed appropriate to the circum-  
11 stances or as provided by the subdivision and land development ordinance  
12 may be issued

13       Section 510 Completion of Improvements or Guarantee Thereof  
14 Prerequisite to Final Plat Approval No plat shall be finally approved  
15 unless the streets shown on such plat have been improved as required by  
16 the subdivision ordinance and any walkways curbs gutters street lights  
17 fire hydrants shade trees water mains sanitary sewers storm drains and  
18 other improvements required by the subdivision and land development  
19 ordinance have been installed in accordance with such ordinance In

1 lieu of the completion of any improvements required as a condition for  
2 the final approval of a plat the subdivision and land development ordin-  
3 ance may provide for the deposit with the municipality of a corporate  
4 bond or other security acceptable to the governing body in an amount  
5 sufficient to cover the costs of such require improvements Such bond or  
6 other security shall provide for and secure to the public the completion  
7 of any required improvements within the period fixed in the subdivision  
8 and land development ordinance for such completion

9       Section 511 Remedies to Effect Completion of Improvements In  
10 the event that any required improvements have not been installed as  
11 provided in the subdivision and land development ordinance the govern-  
12 ing body of the municipality is hereby granted the power to enforce any  
13 corporate bond or other security by appropriate legal and equitable  
14 remedies The governing body need not present proof of loss and shall  
15 collect the sum necessary to complete the improvements Upon receipt of  
16 such proceeds the governing body shall install the improvements covered  
17 by said security If such proceeds are insufficient to pay the cost of in-  
18 stalling all the improvements covered by said security the governing  
19 body of the municipality may at its option install part of such improve-  
20 ments in all or part of the subdivision or land development and may

1 institute appropriate legal or equitable action to recover the moneys  
2 necessary to complete the remainder of the improvements All of the  
3 proceeds whether resulting from the security or from any legal or  
4 equitable action brought against the developer or both shall be used  
5 solely for the installation of the improvements covered by such security  
6 and not for any other municipal purpose If any improvement is installed  
7 by the use of such proceeds in only part of a subdivision or land develop-  
8 ment and an assessment is subsequently levied to pay the cost of installa-  
9 tion of a corresponding improvement in the remainder such assessment  
10 shall be levied against the entire subdivision or land development

11 Section 512 Improvements Private Until Dedicated or Condemned  
12 The approval of a plat by the governing body or the planning agency  
13 as the case may be shall not act as an acceptance for repair maintenance  
14 or upkeep of the streets grounds and other improvements appearing on  
15 the plat All such streets grounds or other improvements shall remain in  
16 private ownership until such time as their dedication shall have been  
17 accepted by ordinance or until condemned for use as a public street  
18 public ground or other public improvement

19 Section 513 Appeals to Court from Subdivision and Land Develop-  
20 ment Decisions The decisions with respect to the approval or disapproval

1 of plats may be appealed to court in the same manner and within the  
2 same time limitation as is provided for zoning appeals by this act

3 Section 514 Recording Plat Upon the approval of a plat the  
4 developer shall within ninety days record such plat in the office of the  
5 recorder of deeds of the county in which the municipality is located If  
6 such plat is not recorded within such time the approval shall expire  
7 Whenever plat approval is required by a municipality the recorder of  
8 deeds of the county shall not accept any plat for recording unless such  
9 plat officially notes the approval of the governing body or the approval  
10 of the planning agency acting in behalf of the governing body Also the  
11 recorder of deeds shall not record any agreement of sale or deed if the  
12 same shall refer to or describe land included in a plat which has not  
13 been officially noted as receiving such approval

14 Section 515 Effect of Plat Approval on Official Map After a plat  
15 has been approved and recorded as provided in this article all streets  
16 and public grounds on such plat shall be and become a part of the official  
17 map of the municipality without public hearing

18 Section 516 Penalties Any person partnership or corporation who  
19 or which being the owner or agent of the owner of any lot tract or  
20 parcel of land shall lay out construct open or dedicate any street sani-

1 tary sewer storm sewer water main or other improvements for public  
2 use travel or other purposes or for the common use of occupants of build-  
3 ings abutting thereon or who sells transfers or agrees or ~~enter~~ ENTERS  
4 into an agreement to sell any land in a subdivision or land development  
5 whether by reference to or by other use of a plat of such subdivision or  
6 land development or otherwise or erect any building thereon unless and  
7 until a final plat has been prepared in full compliance with the provisions  
8 of this act and of the regulations adopted hereunder and has been recorded  
9 as provided herein shall be guilty of a misdemeanor and upon conviction  
10 thereof such person or the members of such partnership or the officers of  
11 such corporation or the agent of any of them responsible for such viola-  
12 tion shall be sentenced to suffer imprisonment for a period not exceeding  
13 thirty days or pay a fine not exceeding two hundred dollars (\$200) or  
14 both at the discretion of the court and each lot or parcel so transferred  
15 or sold or agreed or included in a contract to be sold shall be deemed a  
16 separate violation All fines collected for such violations shall be paid  
17 over to the municipality whose ordinance has been violated The descrip-  
18 tion by metes and bounds in the instrument of transfer or other docu-  
19 ment used in the process of selling or transferring shall not exempt the

1 seller or transferor from such penalties or from the remedies herein  
2 provided

3 Section 517 Saving Clause ~~The passage of this act and the repeal~~  
4 ~~by it of prior enabling laws relating to subdivision control shall not in-~~  
5 ~~validate any subdivision ordinances resolutions or regulations enacted~~  
6 ~~under such prior laws This act in such respect shall be deemed a con-~~  
7 ~~tinuation and codification of such prior enabling laws~~ THE ELECTION  
8 BY ANY MUNICIPALITY TO COMPLY WITH AND BE GOV-  
9 ERNED BY THE PROVISIONS OF THIS ACT SHALL NOT IN-  
10 VALIDATE ANY SUBDIVISION ORDINANCE RESOLUTION OR  
11 REGULATIONS ENACTED UNDER OTHER ENABLING LAWS  
12 RELATING TO SUBDIVISIONS CONTROL, THE ACCEPTANCE  
13 OF THIS ACT BY ANY MUNICIPALITY IN SUCH RESPECT  
14 SHALL BE DEEMED A CONTINUATION AND CODIFICATION  
15 OF SUCH OTHER LAWS

16 Article VI

17 Zoning

18 Section 601 General Powers The governing body of each muni-  
19 cipality in accordance with the conditions and procedures set forth in  
20 this act may enact amend and repeal zoning ordinances to implement

1 comprehensive plans and to accomplish any of the purposes of this act

2 Section 602 County Powers The powers of the governing bodies  
3 of counties to enact amend and repeal zoning ordinances shall be limited  
4 to land in those cities boroughs incorporated towns and townships wholly  
5 or partly within the county which have no zoning ordinance in effect at  
6 the time a zoning ordinance is introduced before the governing body  
7 of the county and until the city borough incorporated town or township  
8 zoning ordinance is in effect The enactment of a zoning ordinance by any  
9 municipality other than the county whose land is subject to county zon-  
10 ing shall act as a repeal pro-tanto of the county zoning ordinance within  
11 the municipality adopting such ordinance

12 Section 603 Ordinance Provisions Zoning ordinances may permit  
13 prohibit regulate restrict and determine

14 (1) Uses of land watercourses and other bodies of water

15 (2) Size height bulk location erection construction repair mainten-  
16 ance alteration razing removal and use of structures

17 (3) Areas and dimensions of land and bodies of water to be oc-  
18 cupied by uses and structures as well as areas courts yards and other  
19 open spaces and distances to ~~the~~ BE left unoccupied by uses and struc-  
20 tures

1      (4) Density of population and intensity of use and

2      ~~(5) Excavation of soil and removal of natural resources~~

3      In addition zoning ordinances may contain (1) provisions for special  
4 exceptions and variances administered by the zoning hearing board which  
5 provisions shall be in accordance with this act (2) provisions for condi-  
6 tional uses to be allowed or denied by the governing body after recom-  
7 mendations by the planning agency pursuant to express standards and  
8 criteria set forth in the ordinances (3) provisions for the administration  
9 and enforcement of such ordinances and (4) such other provisions as may  
10 be necessary to implement the purposes of this act

11      Section 604 Zoning Purposes The provisions of zoning ordinances  
12 shall be designed (1) to promote protect and facilitate one or more of the  
13 following the public health safety morals general welfare harmonious  
14 community development proper density of population civil defense  
15 disaster evacuation airports and national defense facilities the provisions  
16 of adequate light and air police protection vehicle parking and loading  
17 space transportation water sewerage schools public grounds and other  
18 public requirements as well as (2) to prevent one or more of the follow-  
19 ing overcrowding of land blight danger and congestion in travel and

1 transportation loss of health life or property from fire flood subsidence  
2 panic or other dangers Zoning ordinances shall be made with considera-  
3 tion for the character of the municipality its various parts the suitability  
4 of the various parts for particular uses and structures and the relation-  
5 ship of the municipality to the region of which it is a part and with a  
6 view toward maintaining the integrity of comprehensive plans

7 Section 605 Classifications In any municipality other than a county  
8 which enacts a zoning ordinance no part of such municipality shall be  
9 left unzoned The provisions of all zoning ordinances may be classified  
10 so that different provisions may be applied to different classes of situa-  
11 tions uses and structures and to such various districts of the municipality  
12 as shall be described by a map made part of the zoning ordinance Where  
13 zoning districts are created all provisions shall be uniform for each  
14 class of uses or structures within each district except that additional  
15 classifications may be made within any district (1) for the purpose of  
16 making transitional provisions at and near the boundaries of districts  
17 (2) for the purpose of regulating reducing and eliminating nonconform-  
18 ing uses and nonconforming structures and (3) for the regulation re-  
19 striction or prohibition of uses and structures at or near (i) major

1 thoroughfares their intersections and interchanges and transportation  
2 arteries (ii) natural or artificial bodies of water (iii) places of relatively  
3 steep slope or grade (iv) public buildings and public grounds (v) aircraft  
4 helicopter rocket and spacecraft facilities (vi) places having unique  
5 historical or patriotic interest or value (vii) flood plain areas and other  
6 places having a special character or use affecting and affected by their  
7 surroundings As among several classes of zoning districts the provisions  
8 for permitted uses may be mutually exclusive in whole or in part

9 Section 606 Comprehensive Plan Prerequisite to Zoning Ordinance

10 From the ~~effective date~~ DATE ON WHICH AN ELECTION IS MADE  
11 TO ACCEPT THE PROVISIONS of this act the preparation and en-  
12 actment of all zoning ordinances and all amendments thereto shall be  
13 based upon and interpreted in relation to the comprehensive plan for the  
14 future development of the municipality prepared in accordance with the  
15 provisions of this act

16 Section 607 Preparation of Proposed Zoning Ordinance The plan-

17 ning agency of each municipality shall prepare the text and map of the  
18 proposed zoning ordinance as well as make all necessary studies and  
19 surveys preliminary thereto whenever instructed to do so by the govern-  
20 ing body or upon the planning agency's own initiative In preparing a

1 proposed zoning ordinance the planning agency shall hold at least one  
2 public hearing pursuant to public notice and may hold additional public  
3 hearings upon such notice as it shall determine to be advisable Upon  
4 the completion of its work the planning agency shall present to the  
5 governing body the proposed zoning ordinance together with recommen-  
6 dations and explanatory materials The procedure set forth in this  
7 section shall be a condition precedent to the validity of a zoning ordi-  
8 nance adopted pursuant to this act If a county planning agency shall  
9 have been created for the county in which the city borough incorporated  
10 town or township adopting the ordinance is located then at least thirty  
11 days prior to the submission of the ordinance to the local governing  
12 body the city borough incorporated town or township planning agency  
13 shall submit the proposed ordinance to said county planning agency for  
14 recommendations

15 Section 608 Enactment of Zoning Ordinance Before voting on the  
16 enactment of a zoning ordinance the governing body shall hold a public  
17 hearing thereon pursuant to public notice

18 Section 609 Enactment of Zoning Ordinance Amendments For the  
19 preparation of amendments to zoning ordinances the procedure set

1 forth in this article for the preparation of a proposed zoning ordinance  
2 shall be permissive Before voting on the enactment of an amendment  
3 the governing body shall hold a public hearing thereon pursuant to  
4 public notice The governing body shall also submit every proposed  
5 amendment to the planning agency at least thirty days prior to the  
6 hearing on such proposed amendment to provide the planning agency  
7 an opportunity to submit recommendations If after any public hearing  
8 held upon an amendment the proposed amendment is revised or further  
9 revised to include land previously not affected by it the governing body  
10 shall hold another public hearing pursuant to the public notice before  
11 proceeding to vote on the amendment

12       Section 610 Content of Public Notice Public notices of proposed  
13 zoning ordinances and amendments shall include either the full text  
14 thereof or a brief summary setting forth the principal provisions in  
15 reasonable detail and a reference to a place within the municipality  
16 where copies of the proposed ordinance or amendment may be examined  
17 in addition to the time and place of hearing

18       Section 611 Publication After Enactment After enactment if the  
19 advertisement of a zoning ordinance or amendment is required by other

1 laws respecting the advertisement of ordinances such advertisement may  
2 consist solely of a reference to the place or places within the municipality  
3 where copies of such ordinance or amendment shall be obtainable for  
4 a charge not greater than the cost thereof and available for examina-  
5 tion without charge Zoning ordinances and amendments may be in-  
6 corporated into official ordinance books by reference with the same  
7 force and effect as if duly recorded therein

8 Section 612 Nonconforming Uses and Structures Classified For  
9 the purposes of this act

10 (1) "Nonconforming use" means a use whether of land or of a  
11 structure which does not comply with the applicable use provisions in  
12 a zoning ordinance or amendment heretofore or hereafter enacted  
13 where such use was lawfully in existence prior to the enactment of  
14 such ordinance or amendment or prior to the application of such ordi-  
15 nance or amendment to its location by reason of annexation

16 (2) "Nonconforming structure" means a structure or part of a  
17 structure manifestly not designed to comply with the applicable use  
18 provisions in a zoning ordinance or amendment heretofore or hereafter  
19 enacted where such structure lawfully existed prior to the enactment  
20 of such ordinance or amendment or prior to the application of such

1 ordinance or amendment to its location by reason of annexation Such  
2 nonconforming structures include but are not limited to nonconforming  
3 signs

4 Section 613 Legislative Findings Concerning Nonconforming Uses  
5 and Nonconforming Structures It is hereby determined and declared  
6 as a matter of legislative finding that

7 (1) Nonconforming uses and nonconforming structures present a  
8 serious obstacle to the accomplishment of the purposes of this act in so  
9 far as the enactment and administration of zoning ordinances may con-  
10 tribute to those purposes and

11 (2) Nonconforming uses and nonconforming structures impede the  
12 development of healthful safe and economic communities and districts  
13 disrupt harmonious interrelations between permitted uses and depreciate  
14 the usefulness and convenience of the land uses and structures around  
15 them and

16 (3) Nonconforming uses and nonconforming structures may receive  
17 by the enactment of a zoning ordinance an unfortunate and undesirable  
18 preferred status in that the adherence of adjoining properties to the  
19 provisions of the zoning ordinance operates to place nonconforming

1 uses and structures especially commercial ones in a monopolistic position  
2 within the district which monopolistic position is secured by the provi-  
3 sions and requirements of the zoning ordinance itself and

4 (4) Nonconforming signs should be classified and regulated apart  
5 from other structures because they are uses of the field of vision  
6 relative to highways and other public and open places rather than uses  
7 of land upon which they are erected and

8 (5) Experience has shown that nonconforming uses and noncon-  
9 forming structures do not tend to disappear or to be converted into con-  
10 forming uses by the mere passage of time

11 (6) Therefore it is desirable and necessary in order that the fullest  
12 degree of efficacy may be attained in the employment of the powers  
13 granted by this act that municipalities be empowered through provisions  
14 in zoning ordinances to regulate and to prohibit expansion and undue  
15 perpetuation of nonconforming uses and nonconforming structures

16 Section 614 Nonconforming Use Provisions (a) Municipalities may  
17 control

18 (1) Changes of nonconforming uses to different nonconforming  
19 uses by prohibiting or regulating such changes and

1       (2) Extensions of nonconforming uses in size or physical scope by  
2 prohibiting or regulating such extensions and

3       (3) Resumptions of nonconforming uses by prohibiting the resump-  
4 tion of nonconforming uses if changed to a conforming use if abandoned  
5 for any period of time or if discontinued for twelve calendar months  
6 regardless of evidence of intent to abandon

7       (b) Municipalities may also provide for the termination of non-  
8 conforming uses of land and nonconforming uses of conforming struc-  
9 tures by specifying the period or periods in which nonconforming uses  
10 shall be required to cease and by providing formulae whereby such  
11 compulsory terminations may be fixed so as to allow for the conversion  
12 of such nonconforming uses For this purpose zoning ordinances may  
13 reasonably classify such nonconforming uses so that appropriate time  
14 periods may be applied to the several classes but no such nonconforming  
15 use shall be required to terminate in any period shorter than three years

16       Section 615 Nonconforming Structure Provisions (a) Municipalities  
17 may control

1 (1) Alterations and enlargements of nonconforming structures by  
2 prohibiting and regulating the same and

3 (2) Restorations of nonconforming structures by prohibiting and  
4 regulating the restoration of nonconforming structures substantially  
5 destroyed by casualty or substantially removed voluntarily and by pre-  
6 scribing standards for the determination of what constitutes substantial  
7 destruction and removal and

8 (3) Moving of nonconforming structures by prohibiting or regu-  
9 lating the moving of such structures

10 (b) Municipalities may also provide for the termination and re-  
11 moval of nonconforming signs by specifying the period or periods  
12 within which such termination and removal shall be required and by  
13 providing formulae whereby such compulsory termination and removal  
14 may be fixed so as to allow for the amortization of investment For this  
15 purpose zoning ordinances may reasonably classify nonconforming signs  
16 so that appropriate requirements may be applied to the several classes

17 Section 616 Registration of Nonconforming Uses Zoning ordinances  
18 may contain provisions providing for and requiring the identification  
19 and registration of nonconforming uses and nonconforming structures

20 Section 617 Appointment and Powers of Zoning Officer For the

1 administration of a zoning ordinance a zoning officer who may hold  
2 other office in the municipality shall be appointed The zoning officer  
3 shall administer the zoning ordinance in accordance with its literal  
4 terms and shall not have the power to permit any construction or any  
5 use or change of use which does not conform to the zoning ordinance

6 Section 618 Zoning Appeals All appeals from decisions of the  
7 zoning officer shall be taken in the manner set forth in this act

8 Section 619 Enforcement Penalties Any person partnership or  
9 corporation who or which shall violate the provisions of any zoning  
10 ordinance enacted under this act or prior enabling laws shall upon con-  
11 viction thereof in a summary proceeding be sentenced to pay a fine of  
12 not more than five hundred dollars (\$500) In default of payment of the  
13 fine such person the members of such partnership or the officers of such  
14 corporation shall be liable to imprisonment for not more than sixty days  
15 Each day that a violation is continued shall constitute a separate offense  
16 all fines collected for the violation of zoning ordinances shall be paid  
17 over to the municipality whose ordinance has been violated

18 Section 620 Enforcement Remedies In case any building structure  
19 or land is or is proposed to be erected constructed reconstructed altered  
20 converted maintained or used in violation of any ordinance enacted

1 under this act or prior enabling laws the governing body or with the  
2 approval of the governing body an officer of the municipality in addition  
3 to other remedies may institute in the name of the municipality any  
4 appropriate action or proceeding to prevent restrain correct or abate  
5 such building structure or land or to prevent in or about such premises  
6 any act conduct business or use constituting a violation

7 Section 621 Finances The governing body may appropriate from  
8 general funds moneys to finance the preparation administration and  
9 enforcement of zoning ordinances to finance the work of the zoning  
10 hearing board and to support or oppose upon appeal to the courts deci-  
11 sions of the zoning hearing board For the same purposes the governing  
12 body may accept gifts and grants of money and services from private  
13 sources and from the county State and Federal governments The gov-  
14 erning body may prescribe reasonable fees to be charged with respect  
15 to the administration of a zoning ordinance

16 Section 622 Exemptions this article shall not apply to any existing  
17 or proposed building or extension thereof used or to be used by a public  
18 utility corporation if upon petition of the corporation the Pennsylvania  
19 Public Utility Commission shall after a public hearing decide that the

1 present or proposed situation of the building in question is reasonably  
2 necessary for the convenience or welfare of the public

3 Section 623 Saving Clause ~~The passage of this act and the repeal~~  
4 ~~by it of prior enabling laws relating to zoning ordinances shall not in-~~  
5 ~~validate any zoning ordinance enacted under such prior enabling laws~~  
6 ~~This act shall in such respect be deemed a continuation and codification~~  
7 ~~of such prior enabling laws One year after the date of the passage of~~  
8 ~~this act the provisions of this act shall apply to all amendments there-~~  
9 ~~after made to any such zoning ordinance~~ THE ELECTION BY ANY  
10 MUNICIPALITY TO COMPLY WITH AND BE GOVERNED BY  
11 THE PROVISIONS OF THIS ACT SHALL NOT INVALIDATE  
12 ANY ZONING ORDINANCE ENACTED UNDER OTHER ENABL-  
13 ING LAWS RELATING TO ZONING ORDINANCES THE AC-  
14 CEPTANCE OF THIS ACT BY ANY MUNICIPALITY IN SUCH  
15 RESPECT SHALL BE DEEMED A CONTINUATION AND CODI-  
16 FICATION OF SUCH OTHER LAWS

17 Article VII

18 Zoning Hearing Board

19 Section 701 Creation of Board Every municipality which has en-  
20 acted or enacts a zoning ordinance pursuant to this act or prior

1 OTHER enabling laws shall create a zoning hearing board As used in  
2 this act unless the context clearly indicates otherwise the term "board"  
3 shall refer to such zoning hearing board

4 Section 702 Existing Boards of Adjustment Every board of adjust-  
5 ment or board of appeals in existence when ~~this act becomes effective~~  
6 AN ELECTION IS MADE TO ACCEPT THE PROVISIONS OF  
7 THIS ACT shall thereupon become a zoning hearing board be known as  
8 such and it and the terms of its members shall continue under and in ac-  
9 cordance with the provisions of this article Matters pending before any  
10 board of adjustment or board of appeals at the time this act becomes  
11 effective shall continue and be completed under the ~~former~~ law in effect  
12 at the time such board took jurisdiction of them

13 Section 703 Membership of Board The membership of the board  
14 shall consist of three residents of the municipality appointed by the  
15 governing body Their terms of office shall be three years and shall be  
16 so fixed that the term of office of one member shall expire each year  
17 The board shall promptly notify the governing body of any vacancies  
18 which occur Appointments to fill vacancies shall be only for the un-  
19 expired portion of the term Members of the board shall hold no other

1 office in the municipality except that no more than one member of the  
2 board may also be a member of the planning commission

3       Section 704 Joint Zoning Hearing Boards Two or more munici-  
4 palities may by ordinances enacted in each create a joint zoning hearing  
5 board in lieu of a separate board for each municipality A joint board  
6 shall consist of two members appointed from among the residents of  
7 each municipality by its governing body The term of office of members  
8 of joint boards shall be five years except that of the two members first  
9 appointed from each municipality the term of office of one member  
10 shall be three years When any vacancies occur the joint board shall  
11 promptly notify the governing body which appointed the member whose  
12 office has become vacant and such governing body shall appoint a new  
13 member for the unexpired portion of the term Members of the joint  
14 board shall hold no other office in the participating municipality except  
15 that no more than one member of the board appointed by any munici-  
16 pality may also be a member of a planning commission of the munici-  
17 pality from which such appointment is made In all other respects joint  
18 zoning hearing boards shall be governed by provisions of this act not  
19 inconsistent with the provisions of this section

20       Section 705 Removal of Members Any board member may be

1 removed for malfeasance misfeasance or nonfeasance in office or for  
2 other just cause by a majority vote of the governing body which ap-  
3 pointed the member taken after the member has received fifteen days  
4 advance notice of the intent to take such a vote A hearing shall be held  
5 in connection with the vote if the member shall request it in writing

6       Section 706 Organization of Board The board shall elect from its  
7 own membership its officers who shall serve annual terms as such and  
8 may succeed themselves For the conduct of any hearing and the taking  
9 of any action a quorum shall be not less than a majority of all the  
10 members of the board The board may make alter and rescind rules and  
11 forms for its procedure consistent with ordinances of the municipality  
12 and laws of the Commonwealth The board shall keep full public records  
13 of its business and shall submit a report of its activities to the governing  
14 body at least once a year

15       Section 707 Expenditures for Services Within the limits of funds  
16 appropriated by the governing body the board may employ or contract  
17 for secretaries clerks legal counsel consultants and other technical and  
18 clerical services Members of the board may receive compensation for  
19 the performance of their duties as may be fixed by the governing body

1       Section 708 Hearings The powers of the board shall be exercised  
2 through the conduct of hearings which shall be held pursuant to notice  
3 to parties the public and the zoning officer given at such time and in  
4 such manner as shall be prescribed by ordinance or in the absence of  
5 ordinance provision by rules of the board The governing body may  
6 establish reasonable fees based on cost to be paid by appellants for  
7 notices The board shall have the power to take testimony upon oath or  
8 affirmation and to compel the attendance of witnesses All hearings shall  
9 be open to the public

10       Section 709 Records of Testimony before Board It is the intent  
11 of this act that the board shall serve as an administrative fact finding  
12 agency with a minimum of expense and delay to parties It is recognized  
13 that a verbatim record of testimony is ordinarily not necessary to the  
14 function of the board but is needed whenever the board's action is  
15 reviewed by the courts if the need for hearings de novo by the court  
16 is to be minimized The board may provide for verbatim records of the  
17 testimony whenever such records are requested by a party or by the  
18 board but the expense of making and transcribing such a record shall  
19 be borne by the board or party requesting it and the expense of copies  
20 of such record shall be borne by those who wish to obtain such copies

1 The board may adopt as the official record a verbatim record of testi-  
2 mony made by any court reporter or other verbatim reporter deemed  
3 qualified by the board The board may provide for the making of  
4 verbatim records of testimony by electronic or other means by rules  
5 drawn to protect the integrity of such records Where a decision of the  
6 board is not appealed to court verbatim records of testimony need not  
7 be transcribed or retained beyond the expiration of ninety days after  
8 notice of the boards decision is given

9 Section 710 Decisions of Board Within forty-five days after the  
10 completion of the hearing unless both sides agree to an extension  
11 of the time limit the board shall render its decision in writ-  
12 ing The decision of the board shall include a statement of the facts  
13 found by the board to be true and a statement of the reasons for the  
14 decision In the decision provisions of the zoning ordinance may be  
15 referred to and need not be quoted at length A copy of the decision shall  
16 within five days of its date be provided to appellants To all other persons  
17 who not later than the time of hearing have caused their name and  
18 address to be filed with the board the board shall provide by mail or  
19 otherwise brief notices of the decision and a statement of the place at

1 which the full decision may be examined If the hearing board does not  
2 render its decision within the time limit provided by this section it shall  
3 be deemed that the board has decided in favor of the party or officer  
4 of the municipality making the appeal or request

5       Section 711 Board's Functions General Appeals The board shall  
6 hear and decide appeals where it is alleged by the appellant that there  
7 is error in any action order requirement decision interpretation refusal  
8 or omission of the zoning officer

9       Section 712 Board's Functions Variances On an appeal from an  
10 order requirement decision or determination of the zoning officer where  
11 there is unnecessary hardship the board may grant a variance in the  
12 application of the provisions of the zoning ordinance only if all of the  
13 following findings are made

14       (1) That there are unique physical circumstances or conditions in-  
15 cluding irregularity narrowness or shallowness of lot size or shape or  
16 exceptional topographical or other physical conditions peculiar to the  
17 particular property and that the unnecessary hardship is due to such  
18 conditions and not to circumstances or conditions generally created by  
19 the provisions of the zoning ordinance in the neighborhood or district  
20 in which the property is located

1 (2) That because of such physical circumstances or conditions there  
2 is no possibility that the property can be developed in strict conformity  
3 with the provisions of the zoning ordinance and that the authorization  
4 of a variance is therefore necessary to enable the reasonable use of the  
5 property

6 (3) That such unnecessary hardship has not been created by the  
7 appellant

8 (4) That the variance if authorized will not alter the essential  
9 character of the neighborhood or district in which the property is  
10 located nor substantially or permanently impair the appropriate use or  
11 development of adjacent property nor be detrimental to the public  
12 welfare and

13 (5) That the variance if authorized will represent the minimum  
14 variance that will afford relief and will represent the least modification  
15 possible of the regulation in issue

16 In granting any variance the board may attach such reasonable  
17 conditions and safeguards as it may deem necessary to implement the  
18 purposes of this act and the zoning ordinance

19 Section 713 Board's Functions Special Exceptions Where the gov-

1 erning body in the zoning ordinance has stated special exceptions to be  
2 granted or denied by the board pursuant to express standards and cri-  
3 teria the board shall hear and decide requests for such special exceptions.  
4 in accordance with such standards and criteria In granting a special  
5 exception the board may attach such reasonable conditions and safe-  
6 guards in addition to those expressed in the ordinance as it may deem  
7 necessary to implement the purposes of this act and the zoning  
8 ordinance

9 Section 714 Board's Functions Legality Issues Where it is alleged  
10 that any zoning ordinance or portion thereof is procedurally or sub-  
11 stantively invalid illegal or unconstitutional the board shall take evidence  
12 relating to such legality issue and shall make in lieu of a decision on  
13 such issue a report of its findings of fact so that such report upon appeal  
14 to court duly entered may be filed with the court as part of the record  
15 However the board shall not entertain any legality issue which is not  
16 connected with a general appeal appeal for variance or request for  
17 special exception except legality issues which involve only alleged  
18 defects in the process of enactment of zoning ordinances and amendments

19 Section 715 Parties Appellant Before Board General appeals ap-  
20 peals for variances requests for special exceptions and legality issues.

1 may be taken to the board in writing by any officer or resident of the  
2 municipality or person aggrieved

3 Section 716 Time Limitations Legality issues to the extent that they  
4 involve alleged defects in the process of enactment of zoning ordinances  
5 or amendments shall be filed in writing with the board not later than  
6 thirty days from the time such ordinance or amendment takes effect  
7 All other appeals shall be taken within a reasonable time

8 Section 717 Exclusiveness of Remedy The board functions set forth  
9 in this article together with appeals to court therefrom as set forth  
10 in Article VIII of this act shall constitute the exclusive remedy with  
11 respect to the matters comprehended therein Two or more of the board  
12 functions set forth in this article may be combined in one proceeding

13 Section 718 Limitation of Powers The board shall have no power  
14 to amend any zoning ordinance to rezone any land to declare any zon-  
15 ing ordinance or amendment invalid or to allow any use not permitted  
16 by the zoning ordinance

17 Section 719 Stay of Proceedings General appeals appeals for  
18 variances and requests for special exceptions during their pendency  
19 before the board shall stay all proceedings in furtherance of the action

1 appealed from unless the zoning officer certifies to the board facts  
2 indicating that such a stay would cause imminent peril to life or  
3 property in which case proceedings shall not be stayed otherwise than  
4 by a restraining order which may be granted by the board or by the  
5 court having jurisdiction of zoning appeals on petition after notice to  
6 the zoning officer

7 Article VIII

8 Zoning Appeals to Courts

9 Section 801 Zoning Appeals Zoning appeals shall include appeals  
10 from decisions of boards and appeals upon reports of boards as to legality  
11 issues

12 Section 802 Courts Having Jurisdiction As used in this article  
13 "court" means the County Court of Allegheny County with respect to  
14 zoning appeals involving land in Allegheny County and in other counties  
15 the common pleas court of the county in which the land involved is  
16 located

17 Section 803 Who May Appeal Zoning appeals may be  
18 taken to court by any party before the board any owner or tenant of  
19 land directly involved in the decision or report of the board any officer or

1 resident of the municipality or by any person aggrieved by a decision of  
2 the board

3 Section 804 Time Limitation Upon Appeal All zoning appeals shall  
4 be filed not later than thirty days after issuance of notice of the  
5 decision or report of the board

6 Section 805 Commencement of Zoning Appeals (a) Zoning appeals  
7 shall be entered as of course by the prothonotary or clerk upon the  
8 filing of a zoning appeal notice which concisely sets forth the grounds  
9 on which the appellant relies verified to the extent that it contains  
10 averments of fact The zoning appeal notice shall be accompanied by  
11 a true copy thereof

12 (b) Upon filing of a zoning appeal the prothonotary or clerk shall  
13 forthwith as of course send to the board by registered or certified mail  
14 the copy of the zoning appeal notice together with writ of certiorari  
15 commanding the board within twenty days after receipt thereof to  
16 certify to the court its entire record in the matter in which the zoning  
17 appeal has been taken or a true and complete copy thereof including  
18 any transcript of testimony in existence and owned by the board at  
19 the time it received the writ of certiorari

20 (c) If the appellant is a person other than the owner of property

1 directly involved in the decision or report of the board the appellant  
2 within five days (exclusive of Sundays and legal holidays) after the  
3 zoning appeal is filed shall serve a true copy of the zoning appeal notice  
4 upon such owner in the manner specified by the Rules of Civil Pro-  
5 cedure for the service of a complaint in equity and shall file proof of  
6 such service For identification of such owner the appellant may rely  
7 upon the record of the board and in the event of good faith mistakes  
8 as to such identity may make such service nunc pro tunc by leave of  
9 court The requirements of this subsection (c) shall not be applicable  
10 in the case of a zoning appeal from a report of a board upon a legality  
11 issue involving alleged defects in the procedure by which a zoning  
12 ordinance or amendment was enacted if such zoning ordinance or  
13 amendment directly affects more than three separate private properties

14 Section 806 Intervention Within the thirty days first following  
15 the filing of a zoning appeal the municipality and any owner or tenant  
16 of property directly involved in the decision or report of the board  
17 may intervene as of course by filing a notice of intervention accom-  
18 panied by proof of service of the same upon each appellant or each ap-

1 appellant's counsel of record All other intervention shall be governed by  
2 the Rules of Civil Procedure relating to intervention in actions

3 Section 807 Transcript of Board Testimony If an official verbatim  
4 record of the testimony before the board was made and if no transcript  
5 thereof was required to be returned by the board the appellant before  
6 proceeding to hearing or argument upon the zoning appeal shall obtain  
7 and file with the court a transcript thereof

8 Section 808 Supersedeas At any time during the pendency of a  
9 zoning appeal the court or a judge thereof may grant an order of super-  
10 sedeas upon such terms and conditions including the filing of security  
11 as the court or judge thereof may prescribe

12 Section 809 Hearing and Argument of Zoning Appeal If no ver-  
13 batim record of testimony before the board was made or if upon motion  
14 it is shown that proper consideration of the zoning appeal requires the  
15 presentation of additional evidence a judge of the court may hold a  
16 hearing to receive such evidence or may remand the case to the board  
17 or refer it to a referee to receive such evidence Final decision of each  
18 zoning appeal shall be made by the court or a judge thereof considering  
19 the record and the findings of fact made by the board as supplemented  
20 and replaced by findings of fact made by judge or referee The final de-

1 cision shall contain conclusions of law and may reverse affirm or modify  
2 the decision appealed

3 Section 810 Costs No costs shall be allowed against the board  
4 unless it shall appear to the court that the board acted with gross  
5 negligence or in bad faith or with malice

6 Section 811 Other Types of Appeals For the purpose of hearing  
7 and deciding appeals from decisions with respect to the approval or dis-  
8 approval of subdivision plats other particular matters under subdivi-  
9 sion and land development ordinances and the granting or refusal of  
10 permits under Article IV of this act the procedure prescribed by this  
11 article shall be used and may be adapted to the extent deemed necessary  
12 and convenient by special or general order or rule of court

13 Section 812 Appellate Review Appeals from decisions of courts  
14 made under this act shall be taken to the Supreme Court of Pennsyl-  
15 vania in the manner provided for other civil cases but no such appeal  
16 shall be entertained unless it is filed within thirty days after the date of  
17 entry of the decision of the lower court

18 Article IX

19 Joint Municipal Planning Commissions

1 Section 901 Legislative Finding and Declaration of Policy For the  
2 purpose of promoting health safety morals and the general welfare of  
3 the various areas in the Commonwealth through the effective develop-  
4 ment of such areas the following powers for the establishment of joint  
5 municipal planning commissions are hereby granted

6 Section 902 Creation Appointment and Operation of Joint Municipal  
7 pal Planning Commission The governing bodies of two or more munici-  
8 palities may by ordinance or resolution authorize the establishment and  
9 participation or membership in and support of a joint municipal planning  
10 commission The number and qualifications of the members of such  
11 planning commission and their terms and method of appointment or  
12 removal shall be such as may be determined and agreed upon by the  
13 governing bodies A majority of the members of the joint municipal  
14 planning commission shall hold no other public office or position except  
15 appointive membership on a municipal planning commission Members  
16 of a joint municipal planning commission shall serve without salary but  
17 may be paid expenses incurred in the performance of their duties The  
18 joint municipal planning commission shall elect a chairman whose term  
19 shall not exceed one year and who shall be eligible for reelection The  
20 commission may create and fill such other offices as it may determine

1 Every joint municipal planning commission shall adopt rules for the  
2 transaction of business and shall keep a record of its resolutions trans-  
3 actions findings and determinations which record shall be a public record  
4 Each participating or member municipality may from time to time  
5 upon the request of the joint municipal planning commission assign or  
6 detail to the commission any employes of the municipality to make  
7 special surveys or studies

8 Section 903 Finances Staff and Program (a) The governing bodies  
9 of municipalities shall have the authority to appropriate funds for the  
10 purpose of contributing to the operation of a joint municipal planning  
11 commission A joint municipal planning commission with the consent of  
12 all the governing bodies may also receive grants from the Federal or  
13 State governments or from individuals or foundations and shall have  
14 the authority to contract therewith Every joint municipal planning com-  
15 mission shall have the power to appoint such employes and staff as it  
16 may deem necessary for its work and contract with planners and other  
17 consultants for the services it may require to the extent permitted by  
18 its financial resources Each such commission may also perform planning  
19 services for any municipality which is not a member thereof and may

1 charge fees for the work A joint municipal planning commission may  
2 also prepare and sell maps reports bulletins or other material and estab-  
3 lish reasonable charges therefor

4 (b) A joint municipal planning commission may provide planning  
5 assistance and do planning work including surveys land use studies  
6 urban renewal plans technical services and other elements of compre-  
7 hensive planning and planning effectuation programs in and for any  
8 participating or member municipality and for this purpose may with the  
9 consent of all the governing bodies accept and utilize any funds personnel  
10 or other assistance made available by the Federal or State governments  
11 or any of their agencies or from individuals or foundations and for the  
12 purposes of receiving and using Federal or State planning grants for  
13 provision of urban planning assistance may enter into agreements or  
14 contracts regarding the acceptance or utilization of the funds or as-  
15 sistance

16 Section 904 Preparation of Comprehensive Plan Every joint  
17 municipal planning commission shall prepare and maintain a compre-  
18 hensive plan in accordance with the provisions of this act for the  
19 guidance of the continuing development of the area encompassed by the  
20 participating or member municipalities

1       Section 905 Cooperation Among Joint Municipal Planning Com-  
2 mission Municipalities and Others Every joint municipal planning com-  
3 mission shall encourage the cooperation of the participating municipali-  
4 ties in matters which concern the integrity of the comprehensive plan  
5 or maps prepared by the commission and as an aid toward coordination  
6 all municipalities and public officials shall upon request furnish to the  
7 joint municipal planning commission within a reasonable time the avail-  
8 able maps plans reports statistical or other information such commission  
9 may require for its work

10       Section 906 Interstate Participation Wherever a joint municipal  
11 planning commission has been or is being established to serve the Penn-  
12 sylvania portion of an area which for planning purposes constitutes a  
13 logical planning area and which extends beyond the boundaries of the  
14 Commonwealth the commission may admit to membership counties or  
15 municipalities that are part of the same area but located in other states  
16 Municipalities may participate through membership and financial support  
17 in joint municipal planning commissions that have been or are being  
18 established in other states when the municipalities are part of the same  
19 region served by the out-of-state joint municipal planning commission

1 Section 907 Established Regional Planning Commission Muniioipali-  
2 ties which are presently participating in an existing regional planning  
3 commission may elect to comply with and be governed by the provisions  
4 of this act

5 Article X

6 Repeals

7 Section 1001 Specific Repeal The following acts and parts of acts  
8 and amendments thereof are hereby repealed to the extent hereinafter  
9 specified

10 (1) Section 12 act of May 16 1891 (P L 75) entitled "An act in  
11 relation to the laying out opening widening straightening extending or  
12 vacating streets and alleys and the construction of bridges in the several  
13 municipalities of this Commonwealth the grading paving macadamizing  
14 or otherwise improving streets and alleys providing for ascertaining the  
15 damages to private property resulting therefrom the assessment of the  
16 damages costs and expenses thereof upon the property benefited and  
17 the construction of sewers and payment of the damages costs and ex-  
18 penses thereof including damages to private property resulting there-  
19 from" as to cities of the second class and second class A incorporated  
20 towns and townships of the first and second class

1       (2) The act of June 10 1911 (P L 872) entitled "A supplement to  
2 an act entitled 'An act for the government of cities of the second class'  
3 approved the seventh day of March Anno Domini one thousand nine  
4 hundred and one creating and regulating a City Planning Department  
5 giving it jurisdiction extending it over the city and for three miles be-  
6 yond the city limits and regulating the laying out of plans of lots within  
7 the limits of the city" absolutely

8       (3) The act of March 31 1927 (P L 98) entitled "A supplement  
9 to an act entitled 'An act for the government of cities of the second  
10 class' approved the seventh day of March one thousand nine hundred  
11 and one (Pamphlet Laws twenty) authorizing cities of the second class  
12 to regulate and restrict the height number of stories and size of build-  
13 ings and other structures and the size of yards courts and other open  
14 spaces the density of population and to regulate and restrict the location  
15 use and occupancy of buildings structures and land for trade industry  
16 residence specified uses or other purposes and for the above purposes  
17 to divide the city into districts and authorizing the City Planning Com-  
18 mission to recommend the boundaries of districts and appropriate regu-

1 lations therein and providing the method of adoption of said district  
2 regulations and restrictions and providing methods to prevent the un-  
3 lawful erection construction reconstruction alteration conversion repair  
4 maintenance use or occupancy of buildings structures or land and to  
5 prevent the unlawful occupancy or use of the said buildings structures  
6 or land and any illegal act conduct business or use in or about such  
7 premises and the method of amendment or change thereof et cetera"  
8 absolutely

9 (4) Sections 1145 1146 1147 1148 1149 1150 1660 1661 1662  
10 1663 1664 1665 1671 1672 1673 1674 1675 1676 1677 1678 2711  
11 2712 3301 3302 3303 3304 3305 3306 3307 3308 3309 and 3310 act  
12 of May 4 1927 (P L 519) known as "The Borough Code" reenacted and  
18 amended July 10 1917 (P L 1621) absolutely

14 (5) The act of May 13 1927 (P L 1011) entitled "A supplement  
15 to an act entitled 'An act for the government of cities of the second  
16 class' approved the seventh day of March Anno Domini one thousand  
17 nine hundred and one creating a department of city planning providing  
18 for its organization and powers regulating the platting of ground pro-  
19 hibiting the recording of plans and sales of lots therein before their

1 approval under penalties making it a misdemeanor for the recorder of  
 2 deeds to record an unapproved plan restricting accepting laying out  
 3 opening and improving private streets prohibiting the erection of build-  
 4 ings on land not abutting on public streets or streets not shown on the  
 5 official master plan or an approved plat transferring to the department  
 6 of city planning powers conferred by other statutes over plats or sub-  
 7 divisions of land the reservation of locations of mapped streets for  
 8 future use and authorizing the assessment of damages for same the  
 9 preparation and compilation of an official street map providing penalties  
 10 for the violation of this act and repealing certain statutes" absolutely

11 (6) Sections 2001 3015 3016 3061 3062 3063 3064 3065 3066 3067  
 12 3068 3101 3102 3103 3104 3105 3106 3107 3107.1 3107.2 3108 3109  
 13 3110 3111 3201 3202 and 3203 act of June 24 1931 (P L 1206)  
 14 known as "The First Class Township Code" reenacted and amended  
 15 May 27 1949 (P L 1055) absolutely

16 (7) Sections 2001 2002 2003 2004 2005 2006 3701 3702 4001 4002  
 17 4003 4004 4005 4006 4101 4102 4103 4104 4105 4106 4107 4110 4111  
 18 4112 4113 4114 4120 4121 4122 4123 4124 4125 4126 4127 4128 and  
 19 4129 act of June 23 1931 (P L 932) known as "The Third Class City

1 Code" reenacted and amended June 28 1951 (P L 662) absolutely

2 (8) Sections ~~1201 A 1202 A 1203 A 1204 A 1205 A 1206 A 1207 A~~

3 ~~1208 A 1907.1 1907.2 2001 2002 2003 2004 2005 2006 2007 2008 2009~~

4 ~~2010 2051 2052 2053 2054 2055 2056 and 2057~~ act of May 1 1933

5 (P L 103) known as "The Second Class Township Code" reenacted and

6 amended July 10 1947 (P L 1481) absolutely

7 (9) The act of April 18 1945 (P L 258) entitled "An act requiring

8 cities boroughs towns and townships to notify adjacent political sub-

9 divisions of proposed streets roads and highways leading into them" as

10 to cities of the second class second class A and third class boroughs in-

11 corporated towns and townships of the first and second class

12 (10) Sections 2001 2002 2003 2004 2005 2006 2007 2008 2009

13 2010 2011 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029

14 2030 2031 2032 2033 2034 2035 2036 2037 2038 and 2039 act of

15 August 9 1955 (P L 323) known as "The County Code" absolutely

16 (11) The act of May 20 1956 (P L 1815) known as the "Regional

17 Planning Law" as to cities of the second class second class A and third

18 class boroughs incorporated towns townships of the first and second

19 class and counties of the third through eighth class

1 Section 1002 General Repeal All other acts and parts of acts are  
 2 repealed in so far as they are inconsistent herewith but this act shall not  
 3 repeal or modify any of the provisions of the Public Utility Law

4 SECTION 908 SAVING CLAUSE THE ELECTION BY ANY  
 5 MUNICIPALITY TO COMPLY WITH AND BE GOVERNED BY  
 6 THE PROVISIONS OF THIS ACT SHALL NOT INVALIDATE  
 7 ANY REGIONAL PLANNING COMMISSION CREATED UNDER  
 8 OTHER LAWS RELATING TO REGIONAL PLANNING THE  
 9 ACCEPTANCE OF THIS ACT BY ANY MUNICIPALITY IN  
 10 SUCH RESPECT SHALL BE DEEMED A CONTINUATION AND  
 11 CODIFICATION OF SUCH OTHER LAWS

.....

We certify that this bill has passed the Senate and the House of  
Representatives.

.....  
Chief Clerk, Senate

.....  
President pro tempore, Senate

.....  
Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

.....  
Governor