

No. 457

AN ACT

Amending the act of May thirteen, one thousand nine hundred twenty-seven (Pamphlet Laws 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class', approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," providing for the release of subdivision improvement encumbrances in certain instances.

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

Cities of the second class.

Section 1. Section ten, act of May thirteen, one thousand nine hundred twenty-seven (Pamphlet Laws 1011), entitled "A supplement to an act entitled 'An act for the government of cities of the second class', approved the seventh day of March, Anno Domini one thousand nine hundred and one, creating a department of city planning; providing for its organization and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of locations of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes," amended May eleven, one thousand nine hundred thirty-nine (Pamphlet Laws 123), is amended to read:

Section 10, act of May 13, 1927, P. L. 1011, amended May 11, 1939, P. L. 123, further amended.

Section 10. Platting Regulations.—Before exercising the powers referred to in section nine, the planning

commission shall adopt general regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic utilities, access of fire-fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population, including minimum width and area of building lots.

Such regulations may include provisions as to the extent to which streets and other public ways shall be graded and improved, and to which water and sewer and other utilities, mains, piping or other facilities shall be installed, as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat, previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond, with surety, to secure to the city the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

All such regulations shall be published and be available for distribution upon request.

Where the subdivision plan has been completed as tentatively approved, and the plat has been finally approved by the commission, or if prior to completion of such improvements and utilities and final approval of the plat a bond, with surety, to secure the city the actual construction and installation of such improvements and utilities has been accepted by the commission, subsequent purchasers and mortgagees of lots in the subdivision, with or without buildings thereon or on any of them, shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements and utilities above mentioned as set out in said plat or required as a condition precedent to the approval of the plat, and any failure to complete or properly complete such improvements and utilities shall not encumber any or all of the lots of the subdivision.

In exercising its said powers, the planning commission shall take into consideration the local conditions of the particular district affected by the proposed subdivision of land, the existing buildings or improvements on adjoining or adjacent land, and the building line estab-

lished or observed thereon, the extent of the use of any streets or highways, upon which the proposed subdivision abuts, by motor or other vehicles and pedestrians, and the effect of the proposed subdivision upon the public welfare, with particular reference to the district of which the proposed subdivision is a part; and, irrespective of the minimum requirements of any zoning regulations, shall disapprove any subdivision which would be detrimental to such public welfare.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 4th day of April, A. D. 1956.

GEORGE M. LEADER

—
No. 458

AN ACT

Amending the act of June twenty-four, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for the release of land subdivision improvement encumbrances in certain instances.

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

The First Class Township Code.

Section 1. Subsection (c) of section three thousand sixty-six, act of June twenty-four, one thousand nine hundred thirty-one (Pamphlet Laws 1206), known as "The First Class Township Code," re-enacted, amended and revised May twenty-seven, one thousand nine hundred forty-nine (Pamphlet Laws 1955), is amended to read:

Subsection (c), section 3066, act of June 24, 1931, P. L. 1206, re-enacted, amended and revised May 27, 1949, P. L. 1955, further amended.

Section 3066. Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets.—

* * * * *

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan.—Before approving any subdivision plan for recording, the board of township commissioners shall either require that the necessary grading, paving and other street improvements, including where specified by the board, curbs, sidewalks, street lights, fire hydrants, water mains, sanitary sewers and storm sewers, shall have been installed in strict accordance with the standards and specifications of the township, or that the township be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the