

Article VII

Miscellaneous

Section 701. Saving Clause.—Nothing contained in this act shall be construed to repeal any other law of this Commonwealth imposing any tax for any purpose.

Section 702. Effective Date.—This act shall become effective on the first day of the second calendar month after the month in which it is finally enacted; and all taxable sales during that month and for a period of two years thereafter shall be subject to tax hereunder.

APPROVED—The 13th day of July, A. D. 1953.

JOHN S. FINE

No. 87

AN ACT

To add Article XX-A to the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing the creation of planning commissions and prescribing their powers and duties.

"The Second Class Township Code."

Act of May 1, 1933, P. L. 103, as reenacted and amended by act of July 10, 1947, P. L. 1481, amended by adding, after Article XX thereof, a new Article XX-A.

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

Section 1. The act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is hereby amended by adding, after Article XX thereof, a new article to read as follows:

ARTICLE XX-A

TOWNSHIP PLANNING COMMISSION

Section 2051. *Creation and Appointment of Planning Commission; Residence of Commissioners; Removal.*—The board of supervisors may create and establish by ordinance a township planning commission consisting of five (5) members. The members of the planning commission shall be appointed by the supervisors for terms of five (5) years, except that the terms of the members first appointed shall be so fixed that one (1) member shall be appointed for one (1) *year, one for two (2) years,

* "years" in original.

one for three (3) years, one for four (4) years, and one for five (5) years; and annually thereafter, a member of said commission shall be appointed for a term of five (5) years. The members shall hold no other township office except that of member of the township zoning commission or the township zoning board of adjustment. An appointment to fill a vacancy shall be only for the unexpired portion of the term. All members of the commission shall reside within the township. They shall serve without compensation but may be reimbursed for necessary expenses. The board of supervisors may, after a public hearing, remove any member or members of the planning commission for inefficiency, neglect of duty or malfeasance in office.

Section 2052. Organization; Staff; Contracts and Expenditures; Rules and Regulations.—(a) The township planning commission shall elect its own chairman and create and fill such other offices as it may determine. The commission may make and alter rules for its procedure consistent with the ordinances of the township and the laws of the Commonwealth. It shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(b) The board of supervisors creating a planning commission shall appropriate from the general township fund, in the same manner as other appropriations are made, such money as, in its opinion, is necessary and is available for the work of the planning commission for the year in which the appropriation is made.

(c) The planning commission may appoint such employes and staff as it may deem necessary for its work and may contract with planners and other consultants for such technical services as it may require.

(d) As an aid to coordination of municipal planning and with the consent of the township supervisors, the planning commission may enter into joint agreements with county, regional or other planning agencies, covering cooperative financing of planning, studies and such other cooperative relationships as are necessary to attain the objectives of this article.

(e) These and such other expenditures as may be necessary and proper shall be within the amount appropriated for the purpose by the board of township supervisors or placed at the commission's disposal from other sources.

Section 2053. Development Plan; Adoption.—(a) The planning commission shall prepare and adopt a plan of development for the township. The plan, with accompanying maps, charts, drawings and descriptive matter, shall show the commission's recommendation for the development of the township. It may show the commission's recommendations for the most desirable use of

land for agricultural, residential, recreational, commercial, industrial and other purposes; for the most desirable density of population in the several parts of the townships; for a system of principal thoroughfares, parkways, bridges, streets and other public ways; for airports, parks, playgrounds and public grounds; for the general location and extent of facilities for water, sewage, light, power, transit and other purposes, whether publicly or privately owned; for the general location, character and extent of community centers and neighborhood units; and for the replanning of blighted and slum areas; for the extent and location of public projects; and for such other things as, in the opinion of the commission, are of public concern.

(b) The development plan shall be based on studies of the physical, social, economic and governmental conditions and trends, and shall be designed to promote with the greatest efficiency and economy the coordinated development of the township and the general welfare and prosperity of its people.

(c) As the work of preparing the whole development plan progresses, the commission may from time to time adopt parts thereof, any such part to cover one or more major sections or divisions of the township or one or more of the functional matters to be included in the plan. The commission may from time to time amend, extend or add to the development plan. The planning commission shall, wherever possible, cooperate with the county planning commission if one exists. It shall be the duty of the commission to file a copy of all maps and plans and amendments thereto adopted by the commission with the county planning commission within thirty (30) days of the completion of such maps or plans.

Section 2054. Official Map and Procedures Relative Thereto.—(a) The board of supervisors may establish as the official map of the township any part of the development plan with respect to the location and width of streets, highways and parkways and the location and extent of public parks and playgrounds. Establishment shall be by ordinance, after public hearing, with notice of such public hearing to be published in a newspaper of general circulation in the township at least ten (10) days prior to the hearing. Such map, subject to amendments as hereinafter provided, is to be deemed official and conclusive as regards the above subject matter and is hereby declared to be established to conserve and promote the public health, safety, morals and general welfare.

(b) The planning commission shall have power to make or cause to be made from time to time surveys for the exact location of the lines of new, extended, widened or narrowed streets, the newly proposed or changed outer

limits of parks, playgrounds, freeways and parkways, in the whole or any portion of the township, and to certify to the board of supervisors a plat or plats of the areas thus surveyed on which are indicated the location of the lines recommended by the planning commission as the mapped boundaries of future public areas, for placing on the official map of the township.

(c) The board of supervisors may by resolution, whenever and as often as it may deem it for the public interest, change or add to the official map of the township. Before changing or adding to the official map, the matter shall be referred to the planning commission for its recommendation. If the planning commission shall not make its recommendation thereon within thirty (30) days after such reference, it shall be deemed to consent thereto.

(d) Upon the receipt of the recommendation of the planning commission or upon the expiration of thirty (30) days after reference to the planning commission, the board of supervisors may hold a public hearing on the proposed change in or addition to the official map, and if such hearing is to be held, shall cause notice of the hearing to be published in a newspaper of general circulation in the township at least ten (10) days prior to the date of the hearing. At such public hearing, all interested parties shall be given an opportunity to present their views prior to the final vote upon the resolution providing for the change in or addition to the official map. Upon final passage of the resolution, the changes or additions shall become a part of the official map of the township.

(e) The acceptance or approval by the township, under the provisions of laws other than those contained in this section, of the locating, laying out, widening or closing of any public way or area designated above as part of the official map shall be deemed to be a change or addition to the official map. The placing of a boundary line of any public way or area upon the official map shall in no way constitute an opening, establishment, taking or acceptance of any land for a public use.

(f) For the purpose of preserving the integrity of the official map of the township, no permit shall be issued for any building in the bed of any street shown or laid out on the official map, except that when the property of the applicant of which such reserved location forms a part cannot yield a reasonable return to the owner unless such permit be granted, the zoning board of adjustment in any township which has established such a board may, in a specific case, by the vote of a majority of its members, grant a permit for a building in such street which will as little as practicable increase the cost of opening such street or tend to cause a change of the official map; and the board shall impose reasonable

requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public. In any township in which there is no board of adjustment, the board of supervisors shall have the same powers and be subject to the same restrictions as provided in this section.

(g) No public sewer, water main or other township street utility or improvement shall be constructed in or so as to serve any street, highway, parkway, playground or park until the street, highway, parkway, playground or park is duly placed on the official map.

(h) No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map. Where the enforcement of the provision of this section would entail practical difficulty or unnecessary hardship and where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for the permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any township which has established such a board, or in townships where there is no board of adjustment, to the board of supervisors, and the same provisions shall apply to such appeals and to such board as are provided in cases of appeals on zoning regulations. The board may, in passing on such appeal, make any reasonable exception and issue the permit subject to conditions that will protect any street or highway layout.

Section 2055. Land Subdivisions.—(a) When subdivision regulations have been adopted by the township supervisors under authority granted by Article XII-A of the Second Class Township Code, the supervisors, before approving plans for proposed subdivisions, shall refer such plans to the planning commission, if any, for its recommendation.

(b) If the planning commission shall not make its recommendation thereon within thirty (30) days after such reference, it shall be deemed to consent thereto.

Section 2056. Zoning.—In any township where a township planning commission has been or shall be established, the board of township supervisors may, in lieu of establishing a zoning commission as provided in Article XX of the Township Code, confer and impose on the township planning commission all of the powers and duties conferred by this act upon township zoning commissions.

Section 2057. Miscellaneous Powers.—(a) The township planning commission may make reports and recommendations to the Board of Supervisors, agencies and citizens regarding public and private improvements in

relation to its plans and general community development. It may publish the development plan or sections thereof and such other reports and recommendations as, in the opinion of the commission, are necessary to attain the objectives of this article. The commission may yearly recommend to the supervisors a long-range program of public improvements, together with a long-range financial plan.

(b) All public officials shall, upon request, furnish to the commission such available information as the commission or its staff may require for its work.

(c) The commission or its employes may, while performing necessary work, enter upon any land in order to examine or survey it or to place and maintain necessary temporary markers thereon.

(d) In general, the planning commission shall have such powers as will reasonably enable it to carry out its purpose and promote township planning.

APPROVED—The 13th day of July, A. D. 1953.

JOHN S. FINE

No. 88

AN ACT

To further amend section 2001 of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by changing the provisions relating to protests by property owners to the exercise of zoning powers.

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

Section 1. Section 2001 of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended by the act, approved the fourteenth day of January, one thousand nine hundred fifty-two (Pamphlet Laws 1907), is hereby further amended to read as follows:

Section 2001. Grant of Power.—For the purpose of promoting health, safety, morals or the general welfare of townships of the second class, the supervisors are hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and structures, and percentage of lot that

"The Second Class Township Code."

Section 2001, act of May 1, 1933, P. L. 103, as amended by act of January 14, 1952, P. L. 1907, further amended.