

or condition of war or *armed conflict* existed, shall, in each case, be established by the records of the Department of Defense of the Federal Government; or

(2) Any deceased person, who had so served at any time during his or her life, and whose separation from such service was honorable, whether by discharge or otherwise, or who at the time of his or her death was continuing in such service after the cessation of the war, *armed conflict*, campaign or state or condition of war during or in which he or she served; or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War, who was not duly mustered into the service of the United States, but was honorably discharged or relieved from such service.

(b) The term "legal residence" as used in this subsection, shall be construed as synonymous with "domicile" and is hereby defined as actual residence, coupled with intention that it shall be permanent, or a residence presently fixed with no definite intention of changing it, or of returning to a former residence at some future period. Legal residence is to be determined by abode of person and his or her intention to abandon his or her former domicile and establish a new one. The legal residence of a deceased service person shall be *prima facie* in the county where he or she made his or her abode at the time of his or her death.

APPROVED—The 31st day of January, A. D. 1956.

GEORGE M. LEADER

No. 304

AN ACT

Amending the act of August nine, one thousand nine hundred fifty-five (Act No. 130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," changing technical provisions with respect to plans required to be submitted to the County Planning Commission.

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

Section 1. Subsections (a) and (b) of section two thousand four of the act of August nine, one thousand nine hundred fifty-five (Act No. 130), known as "The County Code," are amended to read:

Section 2004. Plans of Subdivisions; Jurisdiction; Scope of Subdivisions; Regulations; Procedure; Penal

The County Code.

Subsections (a) and (b), section 2004, act of August 9, 1955. Act No. 130, amended.

ties.—(a) The County Planning Commission shall have jurisdiction and control of the subdivision of land located within the county limits. For the purpose of this section, a subdivision shall be construed to be: A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds, into lots or parcels, three or more in number, for the purpose of conveyance, transfer, improvement or sale, with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon. All plans, plots, and replots of land laid out in building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, located within the county limits, except those located within a city [, borough or township having in existence a zoning or real estate development control ordinance within the said county,] *or borough or within a township having adopted by resolution or ordinance land subdivision regulations*, shall be submitted to the County Planning Commission, if one has been created, and approved by it before they shall be recorded.

(b) It shall not be lawful to receive or record any [such] plan *required to be approved by the County Planning Commission* in any public office, unless the same shall bear thereon by endorsement or otherwise the approval of the County Planning Commission, if one has been created. The disapproval of any such plan by the County Planning Commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication, but shall not impose any duty upon the county concerning maintenance or improvement of any such dedicated streets, highways, alleys or other portions of the same, until the proper authorities of the county shall have made actual appropriation of the same by entry, use or improvement.

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APPROVED—The 31st day of January, A. D. 1956.

GEORGE M. LEADER