

## No. 492

## 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.

## GRANT OF POWER

Section 1. Be it enacted, &c., That an additional executive department in cities of the second class, to be known as the department of city planning, which shall be in charge of a city planning commission, with the powers and duties herein set forth, and to make, adopt, amend, extend, add to, and carry out a municipal plan as provided in this act, is hereby created.

Cities of second class.

Creation of department of city planning.

Section 2. Personnel of the Commission.—The commission shall consist of nine persons, who shall be residents of the city or the county within which such city is located, at least seven of whom shall not be paid city employes, to be appointed by the mayor, subject to the approval of the council, three of whom shall be designated to serve until the first day of January, one thousand nine hundred and twenty-eight, three until the first day of January, one thousand nine hundred and thirty, and three until the first day of January, one thousand nine hundred and thirty-two. Their successors shall be appointed on the expiration of their respective terms to serve six years. Vacancies occurring otherwise than through the expiration of term shall be filled as original appointments are made and for the unexpired term. All members of the commission shall serve, as such, without compensation.

Section 3. Organization and Rules.—The commission shall elect a chairman, vice chairman, and secretary and shall have such other officers and employes as may be authorized by council. The term of the chairman, vice chairman, and secretary shall be for two years, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of all business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

Section 4. Finances.—The commission may contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures and contracts of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by council, which shall provide the funds, equipment, and accommodations necessary for the commission's work.

Section 5. General Powers and Duties.—It shall be the duty of the commission to make and adopt a master plan, either as a whole or in sections, from time to time, for the physical development of the city and of any land outside its boundaries which in the commission's judgment bears relation to the planning of such city. Such plan or plans, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the future development of said territory, including among other things the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation field, and other public ways, grounds, and open spaces, and a major street plan, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, public utilities or terminals, as well as a zoning plan for the control of the height, area, bulk, location, occupation, and use of buildings and land. The commission may from time to time make, adopt, and publish a part of the plan covering one or more divisions of the city or one or more of the aforesaid or other subjects. The commission may from time to time amend, extend or add to the plan or any section thereof.

Section 6. Purposes in View.—In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of present conditions and probable future growth of the city and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

Section 7. Legal Status of Official Plan.—Whenever the commission shall have adopted the master plan of the city, or of any division thereof, no street, square, park or other public way, ground or open space or public building or structure or public utility, for which a franchise may hereafter be granted by the proper municipal authorities, whether publicly or privately owned, shall be constructed or authorized in the city, unless the location and general extent conform thereto: Provided, In case the said proposed street, square, park or other public way, ground or open space, or public building or structure or public utility, as aforesaid, does not conform to said master plan, and the city planning commission, upon application to it, shall refuse to alter said master plan so as to permit said street, square, park or other public way, ground or open space or public building or structure or public utility, as aforesaid, the said city planning commission shall refer the same to the council, together with its reasons for disapproval, and the council shall have power to overrule said disapproval by a majority vote of its entire membership. The failure of the commission to act within sixty days from and after the date of official submission to the commission shall be deemed approval.

Section 8. Miscellaneous Powers and Duties.—The commission shall have power to promote public interest in, and understanding of, the master plan, and, to that end, may publish and distribute copies of the plan, or of any report, and may employ such other means of publicity and education as it may determine. The commission may authorize its members and staff to attend city planning conferences or meetings and pay the expenses incident thereto. The commission shall, from time to time, recommend to the appropriate public officials programs for specific improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens, with relation to the carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The clerk of council shall, upon introduction into council, furnish to the city planning commission for its consideration a copy of all ordinances and bills relating to the location of any public building of the city, and to the location, extension, widening, enlargement, ornamentation, and parking of any street, boulevard, parkway, park, playground, or other public grounds and to the vacation of any street or other alteration of the city plan of streets and highways, and to the location of any bridge, wharf, tunnel or subway, or of any surface, underground or elevated railway. The said commission may make a report or suggestion in relation thereto if it deems a report nec-

essary or advisable for the consideration of council. All such reports, when delivered to the clerk of council, shall be for the information of the public as well as of council, and the commission shall furnish to any newspaper of the city on request for publication a copy of any such report. The commission, its members, officers and employes, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general the commission shall have such powers as may be necessary to enable it to fulfill its functions and carry out the purposes of this act.

Section 9. Platting; Jurisdiction; Scope of Control of Subdivisions.—The planning commission shall have jurisdiction and control of the subdivision of land located in such city, and no plat of a subdivision of land shall be recorded until it shall have been approved by such planning commission and such approval entered in writing on the plat by the chairman and secretary of the commission.

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.

Section 11. Procedure; Legal Effect of Approval of Plat.—The planning commission shall approve or disapprove a plat of a subdivision of land within thirty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved and a certificate to that

effect shall be issued by the commission on demand: Provided, however, That the applicant for the commission's approval may waive this requirement and consent to an extension of such period. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or addition to and become part of the municipal plan. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may from time to time recommend to council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions.

Section 12. Penalties For Transferring Lots in Unapproved Subdivisions.—Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, or agrees to sell, any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning commission and recorded in the office of the county recorder, shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold or agreed to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. Such cities may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty by a civil action in any court of competent jurisdiction.

Section 13. County Recorder's Duties.—A county recorder who records a plat of a subdivision without the approval of the same, as herein provided, shall be deemed guilty of a misdemeanor and shall be fined not to exceed five hundred dollars.

Section 14. Improvements in Unapproved Streets.—The city shall not accept, lay out, open, improve, grade, pave, curb, or light any street, or lay or permit water mains or sewers or connections to be laid in any street, unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to said action or unless such street corresponds with a street shown on the official master plan, or with a street on a subdivision plat approved by the planning commission, or with a street on a street plat or official map made by and officially adopted by the commission. Council may, however, accept any street not shown on, or not corresponding with a street on, the official master plan or on an approved subdivision plat or an official street plat or the official map, provided the ordinance or other measure accepting such street be first submitted to the city planning commission for its approval and, if approved by the com-

mission, be enacted or passed by not less than a majority vote of the entire membership of council, or, if disapproved by the commission, be enacted or passed by not less than a two-thirds vote of the entire membership of council. A street approved by the planning commission upon submission by council, or accepted by a two-thirds vote after disapproval by the planning commission, shall thereupon have the status of an approved street, and part of the official street map, as fully as though it had been originally shown on the official master plan or on a subdivision plat approved or plotted by the planning commission or on an official street plan.

Section 15. *Erection of Buildings.*—No building or buildings, or parts thereof, shall be erected on any tract, nor shall a building permit be issued therefor, unless the street giving access to the tract upon which such building or buildings is proposed to be placed shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to that time, or unless such street corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat or the official street map made by and officially adopted by the commission or with a street accepted by council after submission to the planning commission by the favorable vote required in section fourteen of this act. Any building erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and have it removed.

Section 16. *Status of Existing Platting Statutes.*—The jurisdiction of the planning commission over plats shall be exclusive within such cities, and all statutory control over plats or subdivisions of land granted by other statutes shall, in so far as in harmony with the provisions of this act, be deemed transferred to the planning commission of such city, and, in so far as inconsistent with the provisions of this act, are hereby repealed.

Section 17. *Reservation of Locations of Mapped Streets for Future Public Acquisition.*—The city planning commission of such cities is empowered, after it shall have adopted a major street plan of the city or any section or part of it, to make or cause to be made from time to time surveys for the exact location of the lines of a new street or streets, or for the relocation or widening of existing streets, in any portion of such territory, and to make a plat of the area or district thus surveyed showing the land which it recommends be reserved for future acquisition for public streets. The commission, before adopting any plat, shall hold a public hearing thereon, notice of the time and place of which, with a general description of the district or area covered by the plat, shall be published once not less than ten days previous to the time fixed therefor. After such hearing the commission may transmit the plat

as originally made, or modified as may be determined by the commission, to council, together with the commission's estimates of the time or times within which the lands shown on the plat as street locations should be acquired by the city. Thereupon by ordinance council may approve and adopt, or may reject, such plat, or may modify it with the approval of the planning commission, or, in the event of the planning commission's disapproval, council may, by a majority vote of its entire membership, modify such plat and adopt the modified plat. In the ordinance of adoption of a plat council shall fix the period of time for which such street locations shall be deemed reserved for future taking or acquisition for public use. Such approval and adoption of a plat shall not, however, be deemed the opening or establishment of any street, nor the taking of any land for street purposes, nor for public use, nor as a public improvement, but solely as reservation of the street locations shown thereon, for the period specified in the ordinance, for future taking or acquisition for public use. The commission may at any time negotiate for or secure from the owner or owners of any such lands releases of claims for damages or compensation for such reservations, or agreements indemnifying the city from such claims by others, which releases or agreements shall be binding upon the owner or owners executing the same and their successors in title. After a plat is so adopted it may be changed by council to conform to a new plat prepared by the commission after a hearing similar to that required in the case of the original plat. At any time council may by ordinance abandon any reservation.

Section 18. Compensation for Such Reservations.—On petition, viewers shall be appointed, as provided by law for municipal improvements, who shall fix the amount of compensation to be paid to the respective owners of lands reserved for the period of time as shown on the plat and fixed by the ordinance of council.

Section 19. No Compensation for Buildings in Reserved Street Locations.—The reservation of a street location, as provided in section seventeen of this act, shall not be deemed to prohibit or impair in any respect the use of the reserved land by the owner or occupant thereof for any lawful purpose, including the erection of buildings thereon, but no compensation other than the compensation awarded in the final report of said board of viewers, or, in the case of an appeal, as awarded on such appeal, shall at any time be paid by the city to, or recovered from the city by, any person for the taking of or injury to any building, structure or other improvement built or erected within the period fixed in the ordinance of council upon any such reserved location.

Section 20. Record Map.—The city planning commission shall receive and keep on file an exact copy of each subdivision plat approved by it and of each plat made by it as adopted or modified by council as provided by section

seventeen of this act. The commission shall also cause to be made or received by it a plat showing the location of any street accepted by council as provided by section fourteen of this act. The commission shall also obtain a map or maps or plat or plats of all streets established by law or officially approved previous to the taking effect of this act. All these plats or maps shall together constitute the official street map of the city. The placing of a street upon the official street map shall not in and of itself be or constitute an acceptance of a street or give to the same the legal status of an accepted street of the city.

Section 21. Saving Clause.—The invalidity of any provision of this act shall not affect the validity of any other provision.

Section 22. Nothing in this act contained shall be deemed to affect, vary, alter or modify the jurisdiction of the Public Service Commission of the Commonwealth of Pennsylvania over public service companies, nor shall the provisions of this act apply to the government of cities of the second class A.

Repeal.

Section 23. Acts of Assembly Repealed.—The following acts of Assembly are hereby repealed, to wit:

Act of June 10, 1911  
(P. L. 872).

An act 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 and regulating a city planning department, giving it jurisdiction, extending it over the city and for three miles beyond the city limits, and regulating the laying out of plans of lots within the limits of the city," approved the tenth day of June, Anno Domini one thousand nine hundred and eleven (Pamphlet Laws, eight hundred and seventy-two).

Act of May 17, 1921  
(P. L. 841).

An act entitled "An act amending an act 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 and regulating a city planning department, giving it jurisdiction, extending it over the city and for three miles beyond the city limits, and regulating the laying out of plans of lots within the limits of the city,' approved the tenth day of June, Anno Domini one thousand nine hundred eleven (Pamphlet Laws, eight hundred and seventy-two), by providing the method of appointment and terms of office of the members of the city planning department and that all plans of streets for public use shall be submitted to and approved by this department," approved the seventeenth day of May, Anno Domini one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and forty-one).

Other inconsistent  
acts.

All other acts or parts of acts, general, special, and local, inconsistent herewith, are hereby repealed.

APPROVED—The 13th day of May, A. D. 1927.

JOHN S. FISHER