

No. 194

AN ACT

HB 1732

Amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, "An act to empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the second class A through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development 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 departments, planning committees 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," extending the time for reports and recommendations of planning agencies, providing for actions thereon and fees.

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

Section 1. Section 304, act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code," is amended to read:

Section 304. Legal Status of the County Comprehensive Plans Within Municipalities.—Following the adoption of a comprehensive plan or any part thereof by a county, pursuant to a public notice, any proposed action of the governing body of a municipality within the county relating to (i) the location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse; (ii) the location, erection, demolition or sale of any public structures located within the municipality; or (iii) the adoption, amendment or repeal of any official map, subdivision or land ordinance, zoning ordinance or planned residential development ordinance shall be submitted to the county planning agency for its recommendations. The recommendation of the planning agency shall be made to the governing body of the municipality within ~~[thirty]~~ **forty-five** days ***and the proposed action shall not be taken until such recommendation is made. If, however, the planning agency fails to act within forty-five days, the governing body shall proceed without its recommendation.***

Section 2. Section 502 of the act, amended June 1, 1972 (P.L.333, No.93), is amended to read:

Section 502. Jurisdiction of County Planning Agencies; Adoption by Reference of County Subdivision and Land Development Ordinances.—When any county has adopted a subdivision and land development ordinance in accordance with the terms of this article, a certified copy of the ordinance shall be sent to every city, borough,

incorporated town or township within the county. All amendments shall also be sent to the aforementioned municipalities. The powers of governing bodies of counties to enact, amend and repeal subdivision and land development ordinances shall be limited to land in those cities, boroughs, incorporated towns and townships wholly or partly within the county which have no subdivision and land development ordinance in effect at the time a subdivision and land development ordinance is introduced before the governing body of the county, and until the city, borough, incorporated town or township subdivision and land development ordinance is in effect and a certified copy of such ordinance is filed with the county planning agency, if one exists. The enactment of a subdivision and land development ordinance by any municipality, other than a county, whose land is subject to a county subdivision and land development ordinance shall act as a repeal protanto of the county subdivision and land development ordinance within the municipality adopting such ordinance. However, applications for subdivision and land development located within a city, borough, incorporated town or township having adopted a subdivision and land development ordinance as set forth in this article shall be forwarded upon receipt by the municipality to the county planning agency for review and report **[at county expense] together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant:** Provided, That such municipalities shall not approve such applications until the county report is received or until the expiration of **[thirty] forty-five** days from the date the application was forwarded to the county.

Further, any municipality other than a county may adopt by reference the subdivision and land development ordinance of the county, and may by separate ordinance designate the county planning agency as its official administrative agency for review and approval of plats.

APPROVED—The 20th day of July, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 194.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C".

Secretary of the Commonwealth.