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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1052 Session of  
2013

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INTRODUCED BY FREEMAN, HARPER, PETRI, SANTARSIERO, ROSS, MURT,  
FABRIZIO, EMRICK, KORTZ, MILLARD, SWANGER AND BRADFORD,  
MARCH 25, 2013

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SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,  
JUNE 10, 2014

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AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,  
2 as amended, "An act to empower cities of the second class A,  
3 and third class, boroughs, incorporated towns, townships of  
4 the first and second classes including those within a county  
5 of the second class and counties of the second through eighth  
6 classes, individually or jointly, to plan their development  
7 and to govern the same by zoning, subdivision and land  
8 development ordinances, planned residential development and  
9 other ordinances, by official maps, by the reservation of  
10 certain land for future public purpose and by the acquisition  
11 of such land; to promote the conservation of energy through  
12 the use of planning practices and to promote the effective  
13 utilization of renewable energy sources; providing for the  
14 establishment of planning commissions, planning departments,  
15 planning committees and zoning hearing boards, authorizing  
16 them to charge fees, make inspections and hold public  
17 hearings; providing for mediation; providing for transferable  
18 development rights; providing for appropriations, appeals to  
19 courts and penalties for violations; and repealing acts and  
20 parts of acts," further providing for contents of subdivision  
21 and land development ordinance.

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

24 Section 1. Section 503(11) of the act of July 31, 1968  
25 (P.L.805, No.247), known as the Pennsylvania Municipalities  
26 Planning Code, reenacted and amended December 21, 1988

1 (P.L.1329, No.170), is amended to read:

2 Section 503. Contents of Subdivision and Land Development  
3 Ordinance.--The subdivision and land development ordinance may  
4 include, but need not be limited to:

5 \* \* \*

6 (11) Provisions requiring the public dedication of land  
7 suitable for the use intended; and, upon agreement with the  
8 applicant or developer, the construction of recreational  
9 facilities, the payment of fees in lieu thereof, the private  
10 reservation of the land, or a combination, for park or  
11 recreation purposes as a condition precedent to final plan  
12 approval, provided that:

13 (i) The provisions of this paragraph shall not apply to  
14 any plan application, whether preliminary or final, pending  
15 at the time of enactment of such provisions.

16 (ii) The ordinance includes definite standards for  
17 determining the proportion of a development to be dedicated  
18 and the amount of any fee to be paid in lieu thereof.

19 (iii) The land or fees, or combination thereof, are to  
20 be used only for the purpose of providing, acquiring,  
21 operating or maintaining park or recreational facilities  
22 reasonably accessible to the development.

23 (iv) The governing body has a formally adopted  
24 recreation plan, and the park and recreational facilities are  
25 in accordance with definite principles and standards  
26 contained in the subdivision and land development ordinance.

27 (v) The amount and location of land to be dedicated or  
28 the fees to be paid shall bear a reasonable relationship to  
29 the use of the park and recreational facilities by future  
30 inhabitants of the development or subdivision.

1           (vi) A fee authorized under this subsection shall, upon  
2 its receipt by a municipality, be deposited in an interest-  
3 bearing account, clearly [identifying the specific recreation  
4 facilities for which the fee was received] identified as  
5 reserved for providing, acquiring, operating or maintaining  
6 park or recreational facilities. Interest earned on such  
7 accounts shall become funds of that account. [Funds from such  
8 accounts shall be expended only in properly allocable  
9 portions of the cost incurred to construct the specific  
10 recreation facilities for which the funds were collected.]

11           (vii) Upon request of any person who paid any fee under  
12 this subsection, the municipality shall refund such fee, plus  
13 interest accumulated thereon from the date of payment, if the  
14 municipality had [failed to utilize] USED the fee paid, for A<--  
15 PURPOSE OTHER THAN the purposes set forth in this section  
16 [within three years from the date such fee was paid].

17           (viii) No municipality shall have the power to require  
18 the construction of recreational facilities or the dedication  
19 of land, or fees in lieu thereof, or private reservation  
20 except as may be provided by statute.

21 Section 2. This act shall take effect in 60 days.