
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2620 Session of
1980

INTRODUCED BY FRYER, A. C. FOSTER, JR., TRELLO, LEVI, GAMBLE,
DUFFY, KNIGHT, MICOZZIE, SIRIANNI, E. Z. TAYLOR AND
LIVENGOD, JUNE 2, 1980

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 2, 1980

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for filling of vacancies in certain borough
5 offices.

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

8 Section 1. Section 901, act of February 1, 1966 (1965
9 P.L.1656, No.581), known as "The Borough Code," amended June 15,
10 1978 (P.L.473, No.68), is amended to read:

11 Section 901. Filling Vacancies in Elective Borough
12 Offices.--If any vacancy shall occur in the office of the mayor,
13 member of council, auditor, controller, assessor, or tax
14 collector, by death, resignation, removal from the borough, or
15 from a ward in the case of a ward office, or by failure to take
16 the required oath or to give bond as provided by law or
17 ordinance, or in any other manner whatsoever, the borough
18 council shall fill such vacancy within thirty days by
19 appointing, by resolution, a registered elector of the borough,

1 or of the ward in case of a ward office, to hold such office, if
2 the term thereof continues so long, until the first Monday in
3 January after the first municipal election occurring more than
4 sixty days after the vacancy occurs, at which election an
5 eligible person shall be elected to the office for the remainder
6 of the term.

7 The person appointed shall give bond if required by law or
8 ordinance.

9 In cases where the person elected to the office shall fail to
10 give bond, if any, required or to take the required oath, the
11 borough council, before making the appointment, shall declare
12 the office vacant.

13 If the council of any borough shall refuse, fail or neglect,
14 or be unable, for any reason whatsoever, to fill any vacancy
15 within thirty days after the vacancy happens, as provided in
16 this section, then the vacancy shall be filled within fifteen
17 additional days by [a] the vacancy board. [to] Such board shall
18 consist of the borough council exclusive of the mayor, and one
19 registered elector of the borough who shall be [elected]
20 appointed by the borough council at [each reorganizational
21 meeting of the council] the council's first meeting each
22 calendar year or as soon thereafter as practical and who shall
23 act as chairman of the vacancy board. The board shall appoint a
24 registered elector of the borough, (or ward in the case of a
25 ward office), to hold such office, if the term thereof continues
26 so long, until the first Monday in January after the first
27 municipal election occurring more than sixty days after the
28 vacancy occurs, at which election an eligible person shall be
29 elected to the office for the remainder of the term.

30 If the vacancy is not filled by the vacancy board within

1 fifteen days, the chairman shall or in the case of a vacancy in
2 the chairmanship the remaining members of the vacancy board
3 shall petition the court of common pleas to fill the vacancy by
4 the appointment of a registered elector of the borough (or ward
5 in the case of a ward), to hold such office, if the term thereof
6 continues so long, until the first Monday in January after the
7 first municipal election occurring more than sixty days after
8 the vacancy occurs, at which election an eligible person shall
9 be elected to the office for the remainder of the term. In the
10 case where there are vacancies in more than a majority of the
11 offices of council, the court of common pleas shall fill such
12 vacancies upon presentation of petition signed by not less than
13 fifteen registered electors of the borough.

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