

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1234

Session of  
1985

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INTRODUCED BY CORDISCO, J. L. WRIGHT AND DALEY, MAY 14, 1985

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 16, 1985

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## AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An  
2 act concerning townships of the second class; and amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," further providing for contracts relating to refuse  
5 materials.

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

8 Section 1. Clause VIII of section 702 of the act of May 1,  
9 1933 (P.L.103, No.69), known as The Second Class Township Code,  
10 reenacted and amended July 10, 1947 (P.L.1481, No.567) and  
11 amended May 9, 1961 (P.L.194, No.97), is amended to read:

12 Section 702. Supervisors to Exercise Powers.--The corporate  
13 powers of townships of the second class shall be exercised by  
14 the township supervisors. Where no specific authority is given  
15 for the expenditures incident to the exercise of any power  
16 hereinafter conferred, or where no specific fund is designated  
17 from which such expenditures shall be made, appropriations for  
18 such expenditures shall be made only from the general township  
19 fund. In addition to the duties imposed upon them by section 516

1 hereof, they shall have power--

2 \* \* \*

3 VIII. Ashes, Garbage, Rubbish and Other Refuse Materials.--

4 To regulate or prohibit the dumping or otherwise depositing of  
5 ashes, garbage, rubbish and other refuse materials within the  
6 township. To prohibit accumulations of ashes, garbage, rubbish  
7 and other refuse materials upon private property, including the  
8 imposition and collection of reasonable fees and charges for the  
9 collection, removal and disposal thereof. They shall also have  
10 power to--

11 (1) Collect, remove and dispose of or to provide, by  
12 contract or otherwise, for the collection, removal and disposal,  
13 by incineration, land fill or other methods of ashes, garbage,  
14 rubbish and other refuse materials and to prescribe penalties  
15 for the enforcement thereof. Any such contract may be made for a  
16 period not exceeding three years. This limitation shall not  
17 apply to contracts entered into with any other political  
18 subdivision [or with] any municipality authority or any  
19 operator of a privately owned resource recovery facility.  
20 Contracts made with operators of privately owned resource  
21 recovery facilities for the disposal of municipal solid waste  
22 may have a term not exceeding ~~ten~~ EIGHTEEN years. To acquire any <—  
23 real property and to erect, maintain, improve, operate, and  
24 lease, either as lessor or lessee, facilities for incineration,  
25 land fill or other methods of disposal, either within or without  
26 the limits of the township, including equipment, either  
27 separately or jointly, with any other political subdivision or  
28 with any municipality authority in order to provide for the  
29 destruction, collection, removal and disposal of ashes, garbage,  
30 rubbish and other refuse materials and to provide for the

1 payment of the cost and expense thereof, either in whole or  
2 part, out of the funds of the township and to acquire land for  
3 land fill purposes, either amicably or by exercising the power  
4 of eminent domain, and to maintain such lands and places for the  
5 dumping of ashes, garbage, rubbish and other refuse material to  
6 fix, alter, charge and collect rates, and other charges for the  
7 collection, removal and disposal of ashes, garbage, rubbish and  
8 other refuse materials and the costs of including the payment of  
9 any indebtedness incurred for the construction, purchase,  
10 improvement, repair, maintenance and operation of any facilities  
11 therefor, and the amount due under any contract with any other  
12 political subdivision or with any municipality authority  
13 furnishing any of such services or facilities. To incur  
14 indebtedness and issue bonds for the costs of the construction,  
15 purchase, improvement and repair of any facilities for the  
16 collection, removal and disposal of ashes, garbage, rubbish and  
17 other refuse materials, including equipment to be used in  
18 connection therewith. To make appropriations to any other  
19 political subdivision or any municipality authority out of its  
20 general funds or out of any other available funds, including the  
21 proceeds of bonds of the township for the construction,  
22 purchase, improvement, repair, maintenance and operation of any  
23 facilities for the collection, removal and disposal of ashes,  
24 garbage, rubbish and other refuse materials. In the event that  
25 any such bonds were issued for such purposes, pursuant to a vote  
26 of the electors, any appropriation of such proceeds as above set  
27 forth shall not be deemed such a change of purpose from that for  
28 which such bonds were issued as shall require the question to be  
29 again submitted to a vote of the electors under any existing  
30 law. Any such funds appropriated as herein authorized, which

1 represent the proceeds of any bonds heretofore or hereafter  
2 issued by the township for the above purposes, shall be used by  
3 such other political subdivision or municipality authority for  
4 or toward the purpose or purposes for which such bonds were  
5 issued. In the absence of such collection, removal and disposal  
6 plan for the entire township the supervisors shall--

7 (2) on petition of a majority of the adult taxable residents  
8 of any territory within the township, which has been definitely  
9 defined, set apart and limited by the township supervisors, with  
10 the approval of the township auditors, as a village, prior to  
11 the filing of any such petition, either with township employes  
12 and facilities, or with independent contractors, provide for the  
13 removal from the village of ashes or garbage or other refuse  
14 material, as the case may be, and for the disposal thereof. The  
15 supervisors shall levy a per capita assessment upon all adult  
16 residents of any such village, sufficient to defray the cost of  
17 such removal and disposal. Such assessment shall be collected in  
18 the same manner as per capita taxes, and the collector shall  
19 receive the same commission thereon. The treasurer of the board  
20 of supervisors shall receive all such assessments collected and  
21 keep the same in a separate account and pay the same out only  
22 upon orders signed by the chairman and attested by the secretary  
23 of the board of supervisors. The treasurer shall make an annual  
24 report of the account to the auditors of the township.

25 \* \* \*

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