

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 302

Session of
1987

INTRODUCED BY STUBAN, PETRARCA, SWEET, BALDWIN AND SHOWERS,
FEBRUARY 10, 1987

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 22, 1987

AN ACT

1 Amending the act of June 2, 1955 (P.L.134, No.39), entitled "An
2 act relating to public recreation in incorporated towns;
3 providing for the acquisition, maintenance and operation of
4 places of public recreation; providing for a referendum in
5 certain cases; authorizing the levy of taxes for such
6 purposes and validating past actions," repealing provisions
7 ~~inconsistent with the Local Government Unit Debt Act~~ <—
8 REQUIRING VOTER APPROVAL FOR CERTAIN ACQUISITIONS; and making <—
9 editorial corrections.

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

12 Section 1. Sections 3, 4, 5, 6, 7 and 9 of the act of June
13 2, 1955 (P.L.134, No.39), entitled, "An act relating to public
14 recreation in incorporated towns; providing for the acquisition,
15 maintenance and operation of places of public recreation;
16 providing for a referendum in certain cases; authorizing the
17 levy of taxes for such purposes and validating past actions,"
18 are amended to read:

19 [Section 3. No appropriation, purchase or lease shall be
20 made pursuant to the preceding sections whereby any incorporated

1 town shall within any period of three years obligate itself to
2 pay in the aggregate any sum exceeding one and one-half mills on
3 the total of the assessed valuation of all property, offices,
4 professions and persons in the town upon which town taxes are
5 levied without consent of the majority of the electors as
6 hereinafter provided. No such election shall be required in any
7 case where the question of the increase of the indebtedness of
8 the town for any of the foregoing purposes shall have been
9 submitted to, and assented to, by a majority of the electors of
10 the town voting on such question at an election held according
11 to law.

12 Section 4. Whenever any town shall, by ordinance, provide
13 for the appropriation, purchase or leasing of private property
14 for the purposes aforesaid and the value of such property, or
15 the rental thereof, shall alone, or when added to the amount of
16 liability incurred for any of the purposes aforesaid, within the
17 preceding three years exceed one and one-half mills on the
18 dollar of valuation as provided in the preceding section and the
19 question of the increase of indebtedness of the town for any of
20 said purposes has not been submitted to, and assented to, by a
21 majority of the electors voting on such question at an election
22 held for the purpose of obtaining such assent according to law,
23 the council shall cause the question of such appropriation,
24 purchase or leasing to be submitted to the electors of the town
25 at an election to be held at the places of holding elections in
26 said town on a day to be fixed by council which shall be the day
27 of a general, municipal or primary election.

28 Section 5. The council shall give notice of the proposed
29 submission of such question by weekly advertisements in a
30 newspaper of general circulation published in the town for a

1 period of four weeks immediately preceding the day of election.

2 Section 6. For the purpose of having such question appear
3 upon the ballot the council shall certify the question to the
4 county board of elections at least twenty-one days before the
5 day of election. The question may be stated substantially as
6 follows:

7 "Shall the town of _____ acquire by purchase, or
8 condemnation, or both, at a price not exceeding _____
9 dollars (or by lease for not more than _____ years at an
10 annual rental of not more than _____ dollars) property for
11 the purpose of making (or of enlarging) public parks, parkways
12 and playgrounds and playfields, including swimming pools,
13 bathing places, indoor recreation centers and gymnasiums within
14 the locality bounded by _____."

15 The council may at their discretion omit the designation of
16 the locality.

17 Section 7. The result of the vote on such question shall be
18 ascertained and certified in the manner provided by the election
19 laws of this Commonwealth. No such question determined
20 negatively by the voters shall be again submitted within fifty-
21 one weeks.]

22 Section 9. The proceedings for the condemnation of land for
23 the purposes herein set forth shall be as provided in the act of
24 [June 10, 1901 (P.L.555).] June 22, 1964 (Sp.Sess. P.L.84,
25 No.6), known as the "Eminent Domain Code."

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