

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 753 Session of 2023

INTRODUCED BY KEARNEY, HUTCHINSON, DUSH, BROWN AND COMITTA,  
JUNE 1, 2023

REFERRED TO LOCAL GOVERNMENT, JUNE 1, 2023

AN ACT

1 Amending Title 8 (Boroughs and Incorporated Towns) of the  
2 Pennsylvania Consolidated Statutes, in associations and  
3 organizations, further providing for associations and  
4 organizations for mayors; in elections of officers, further  
5 providing for eligibility, for officers elected and for  
6 decrease in number of members of council; in powers, duties  
7 and rights of appointed officers and employees, further  
8 providing for appointments and incompatible offices and for  
9 police serving under cooperative agreement or contract; in  
10 corporate powers, further providing for specific powers; in  
11 taxation and finance, further providing for investment of  
12 funds; providing for solid waste collection and disposition;  
13 in ordinances, further providing for ordinances and  
14 resolutions and for publication; and making an editorial  
15 change.

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

18 Section 1. Sections 704(a) and (b), 801(a), 806(a)(4), 818,  
19 1104(c), 1122(a) and 1202(8) of Title 8 of the Pennsylvania  
20 Consolidated Statutes are amended to read:

21 § 704. Associations and organizations for mayors.

22 (a) Authorization.--A mayor may join [a] any mayors'  
23 association[, and council] in Pennsylvania. Council shall pay  
24 reasonable dues [of up to] not to exceed \$100 [for each mayor

1 belonging to the mayors' association] if requested by the mayor.  
2 The mayor may attend the annual meeting of the mayors'  
3 association, which shall be held in this Commonwealth in  
4 accordance with the procedure adopted by the mayors'  
5 association.

6 (b) Expenses.--A mayor [may] shall, if requested, receive  
7 the following expenses for attending the annual meeting under  
8 subsection (a):

9 (1) The registration fee.

10 (2) Lodging, meals and mileage for use of a personal  
11 vehicle or reimbursement of actual transportation expenses  
12 going to and returning from the meeting.

13 (3) Any actual expenses that the council may have agreed  
14 to pay.

15 \* \* \*

16 § 801. Eligibility.

17 (a) Residency.--The following shall apply:

18 (1) [Except as provided under subsection (c), only] Only  
19 registered electors of the borough shall be eligible to  
20 elective borough offices.

21 (2) [Before] Except as provided under subsection (c) and  
22 53 Pa.C.S. § 1142 (relating to residency during military  
23 service), before being sworn into office, each elected  
24 borough officer shall present a signed affidavit to the  
25 borough secretary that states that the officer resides in the  
26 borough, or within the ward in the case of a ward office,  
27 from which elected and has resided in the borough  
28 continuously for at least one year immediately prior to the  
29 officer's election.

30 \* \* \*

1 § 806. Officers elected.

2 (a) Officers.--The electors of the borough may elect:

3 \* \* \*

4 (4) [As follows:

5 (i)] Except as provided [under subparagraph (ii)] in  
6 section 818 (relating to change in number of members of  
7 council), in boroughs not divided into wards, seven  
8 members of council.

9 [(ii) In a borough with a population of less than  
10 3,000 as determined by the latest official census, the  
11 total number of members of council may be reduced from  
12 seven to five or to three upon petition to the court of  
13 common pleas, as provided under section 818 (relating to  
14 decrease in number of members of council).]

15 \* \* \*

16 § 818. [Decrease] Change in number of members of council.

17 (a) Petition by electors.--The court of common pleas shall,  
18 upon petition of at least 5% of the registered electors of any  
19 borough not divided into wards[, which, according to the latest  
20 official census, had a population of not more than 3,000],  
21 certify the question of a proposal to reduce the total number of  
22 members of council for the borough [from seven] to five or [to]  
23 three or increase the total number of members of council for the  
24 borough to five or seven, as specified by the petition, to the  
25 board of election of the county for a referendum vote of the  
26 residents at the next general election held not sooner than the  
27 thirteenth Tuesday after the date of the petition. The  
28 sufficiency of the number of signers to the petition shall be  
29 ascertained as of the date when the petition is presented to  
30 court. Upon receipt of the certified election results, the court

1 shall enter a final decree granting or denying the request of  
2 the petitioners. A petition under this section may not be  
3 considered more than once in five years.

4 (c) [Number to be elected.--

5 (1) At the municipal election following the decrease in  
6 the number of members of council from seven to five:

7 (i) If four members of council would otherwise have  
8 been elected, three members shall be elected.

9 (ii) If three members of council would otherwise  
10 have been elected, two members shall be elected.

11 (2) At the second municipal election following the  
12 decrease in the number of members of council:

13 (i) If four members of council would otherwise have  
14 been elected, three members shall be elected.

15 (ii) If three members of council would otherwise  
16 have been elected, two members shall be elected.

17 (3) At all following municipal elections, the proper  
18 number of members of council shall be elected to correspond  
19 to the number of members of council whose terms are to expire  
20 the first Monday of the following January.

21 (d) Election.--

22 (1) At the municipal election following the decrease in  
23 the number of members of council from seven to three:

24 (i) If four members of council would otherwise have  
25 been elected, two members shall be elected.

26 (ii) If three members of council would otherwise  
27 have been elected, one member shall be elected.

28 (2) At the second municipal election following the  
29 decrease in the number of members of council in the borough:

30 (i) If four members of council would otherwise have

1           been elected, two members shall be elected.

2           (ii) If three members of council would otherwise  
3           have been elected, one member shall be elected.

4           (3) At all the following municipal elections, the proper  
5           number of members of council shall be elected to correspond  
6           to the number of members of council whose terms are to expire  
7           the first Monday of the following January.] Number to be  
8           elected by decree.--In its decree under subsection (a), the  
9           court shall establish a schedule for the subsequent election  
10           of council members at the next two municipal elections. The  
11           members of council then in office shall remain in office  
12           until the end of their respective terms. Thereafter, the  
13           schedule may provide that the initial term of one or more of  
14           the council members subsequently elected be reduced to  
15           accommodate a schedule of staggered at-large elections to  
16           eventually ensure that, as nearly as possible, one-half of  
17           the members of council elected will be elected at each  
18           municipal election. At all following municipal elections, the  
19           proper number of members of council shall be elected to  
20           correspond to the number of members of council whose terms  
21           are to expire the first Monday of the following January.

22           (d) (Reserved).

23           (e) Terms.--In any borough in which, under this section, the  
24           number of members of council shall be reduced or increased, the  
25           members of council then in office shall remain in office until  
26           the end of their respective terms. [If a borough attains a  
27           population in excess of 3,000 according to the latest official  
28           census, the number of members of council shall automatically be  
29           increased from three or five to seven, following the reverse of  
30           the procedure set forth in subsection (c) or (d).]

1 § 1104. Appointments and incompatible offices.

2 \* \* \*

3 (c) Multiple offices.--If there is no incompatibility in  
4 fact [and subject to subsection (a) as to compensation],  
5 appointees of council may hold two or more appointive borough  
6 offices, but no mayor or member of council may serve as borough  
7 manager, secretary or treasurer.

8 \* \* \*

9 § 1122. Police serving under cooperative agreement or contract.

10 (a) General rule.--If a borough enters into a cooperative  
11 agreement or contract with any municipal corporation, regional  
12 police force or other governmental entity created by two or more  
13 municipal corporations under 53 Pa.C.S. Ch. 23 Subch. A  
14 (relating to intergovernmental cooperation) for the furnishing  
15 or receiving of police protection as authorized by section  
16 [1202(35)] 1202(24) (relating to specific powers), the police  
17 force of the municipal corporation, regional police force or  
18 other governmental entity furnishing the police protection shall  
19 be appointed and accepted as the police force of the borough  
20 receiving the police service by resolution of the council.

21 \* \* \*

22 § 1202. Specific powers.

23 The powers of the borough shall be vested in the council. In  
24 the exercise of any specific powers involving the enactment of  
25 an ordinance or the making of any regulation, restriction or  
26 prohibition, the borough may provide for enforcement and  
27 penalties for violations. The specific powers of the borough  
28 shall include the following:

29 \* \* \*

30 (8) [To provide for garbage and other refuse material as

1 follows:

2 (i) To prohibit, individually or jointly with other  
3 municipal corporations pursuant to an agreement,  
4 accumulations of garbage or other refuse material upon  
5 public and private property and to make regulations for  
6 the care, removal and collection of garbage or other  
7 refuse material, including:

8 (A) To provide for the collection and imposition  
9 of reasonable fees and charges for the collection of  
10 garbage and other refuse material.

11 (B) To erect, operate and maintain refuse  
12 disposal or incineration facilities or sanitary  
13 landfills, either within or without the limits of the  
14 borough, or provide other means for the collection,  
15 destruction or removal of garbage and other refuse  
16 material and provide for the payment of the cost or  
17 expense of the activity, either in whole or in part,  
18 out of the funds of the borough.

19 (C) To purchase real estate for the purpose of  
20 erecting, operating and maintaining refuse disposal  
21 or incineration facilities or sanitary landfills if,  
22 prior to any acquisition of property pursuant to this  
23 paragraph, the borough, individually or jointly, as  
24 the case may be, obtains the approval of the court of  
25 common pleas for the location of the facilities or  
26 landfill after a hearing and subject to notice as the  
27 court shall require. If no objections are heard at  
28 the hearing, the court shall approve the location. If  
29 any objection is made, the court shall proceed to  
30 hear the matter and determine whether the location is

1 a detriment to neighboring properties. The finding of  
2 the court shall be conclusive but in no way shall  
3 adjudicate any question relating to damages for  
4 injury to property.

5 (D) To take and appropriate real estate for  
6 purposes of refuse disposals or incineration  
7 facilities or sanitary landfills in accordance with  
8 Chapter 15 (relating to eminent domain, assessment of  
9 damages and damages for injury to property) if a  
10 purchase price cannot first be agreed upon. No real  
11 estate located outside the limits of the borough or  
12 outside the limits of the joint municipal  
13 corporations in the case of a joint effort shall be  
14 taken and appropriated if the real estate currently  
15 contains or is being used for a refuse disposal or  
16 incineration facility or a sanitary landfill.

17 (ii) Regulations enacted under this paragraph shall  
18 be consistent with the act of July 7, 1980 (P.L.380,  
19 No.97), known as the Solid Waste Management Act, the act  
20 of July 28, 1988 (P.L.556, No.101), known as the  
21 Municipal Waste Planning, Recycling and Waste Reduction  
22 Act, and subject to any other necessary Federal or State  
23 approval.] (Reserved).

24 \* \* \*

25 Section 2. Section 1316(c) of Title 8 is amended by adding a  
26 paragraph to read:

27 § 1316. Investment of funds.

28 \* \* \*

29 (c) Authorized types of investments.--Authorized types of  
30 investments for borough funds are:

1 \* \* \*

2 (9) An investment authorized by the act of July 25, 1973  
3 (P.L.217, No.53), entitled "An act authorizing cities of the  
4 first class and second class to invest all funds received and  
5 deposited with the city treasurer in certain commercial paper  
6 under certain terms and conditions; and providing for  
7 investment of public corporation or municipal authority  
8 funds."

9 \* \* \*

10 Section 3. Title 8 is amended by adding a chapter to read:

11 CHAPTER 25B

12 SOLID WASTE COLLECTION AND DISPOSITION

13 Sec.

14 25B01. Definitions.

15 25B02. Accumulation of municipal waste.

16 25B03. Collection and removal.

17 25B04. Disposal.

18 25B05. Acquisition of real property and facilities.

19 25B06. Rates and charges.

20 25B07. Appropriations.

21 25B08. Exclusion from other laws.

22 § 25B01. Definitions.

23 The following words and phrases when used in this chapter  
24 shall have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26 "Municipal authority." A body politic and corporate created  
27 under 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

28 "Municipal waste." As defined in section 103 of the act of  
29 July 28, 1988 (P.L.556, No.101), known as the Municipal Waste  
30 Planning, Recycling and Waste Reduction Act.

1 § 25B02. Accumulation of municipal waste.

2 Council, in the manner authorized by the act of July 7, 1980  
3 (P.L.380, No.97), known as the Solid Waste Management Act, and  
4 the act of July 28, 1988 (P.L.556, No.101), known as the  
5 Municipal Waste Planning, Recycling and Waste Reduction Act, may  
6 prohibit accumulations of municipal waste upon public and  
7 private property, including the imposition and collection of  
8 reasonable fees and charges for the collection, removal and  
9 disposal of municipal waste.

10 § 25B03. Collection and removal.

11 (a) General rule.--Council may collect and remove, by  
12 contract or otherwise, municipal waste and recyclables and  
13 prescribe penalties for the enforcement of the collection and  
14 removal.

15 (b) Contract length.--A contract with refuse haulers may be  
16 made for an initial period not to exceed five years with  
17 optional renewal periods of up to five years.

18 (c) Limitation.--The limitation under subsection (b) does  
19 not apply to a contract with a political subdivision or  
20 municipal authority.

21 § 25B04. Disposal.

22 (a) General rule.--Council may dispose of, by contract or  
23 otherwise, municipal waste.

24 (b) Contract length.--A contract with the owner of a private  
25 facility for the disposal or incineration of municipal waste may  
26 be made for a period not to exceed 20 years.

27 (c) Exemption.--The limitation under subsection (b) shall  
28 not apply to a contract with a political subdivision or  
29 municipal authority.

30 § 25B05. Acquisition of real property and facilities.

1 The following shall apply:

2 (1) Council may acquire real property and erect,  
3 maintain, improve, operate and lease, either as lessor or  
4 lessee, facilities for incineration, landfill or other  
5 methods of disposal, either inside or outside the limits of  
6 the borough, including equipment, either separately or  
7 jointly, with a political subdivision or municipal authority  
8 in order to provide for the collection, removal, disposal and  
9 destruction of municipal waste, for the collection and  
10 storage of recyclable materials or for the composting of leaf  
11 and yard waste.

12 (2) Council may provide for the payment of the cost,  
13 either in whole or part, out of the funds of the borough.

14 (3) Council may acquire land for landfill purposes,  
15 either amicably or by exercising the power of eminent domain,  
16 and may maintain lands and places for the dumping of  
17 municipal waste.

18 (4) If council acquires land outside the limits of the  
19 borough by exercising the power of eminent domain, the taking  
20 shall be subject to the limitations in 26 Pa.C.S. § 206  
21 (relating to extraterritorial takings).

22 § 25B06. Rates and charges.

23 (a) Council authorization.--Council may establish, alter,  
24 charge and collect rates and other charges for the:

25 (1) collection, removal and disposal of municipal waste  
26 and recyclable materials;

27 (2) cost of including the payment of any indebtedness  
28 incurred for the construction, purchase, improvement, repair,  
29 maintenance and operation of any facilities for collection,  
30 removal and disposal; and

1           (3) amount due under a contract with a political  
2           subdivision or municipal authority furnishing the services or  
3           facilities.

4           (b) Method of collection.--The rates and other charges shall  
5           be collected under the act of May 16, 1923 (P.L.207, No.153),  
6           referred to as the Municipal Claim and Tax Lien Law, by a civil  
7           action, or any other collection method authorized by law.

8           § 25B07. Appropriations.

9           Council may make appropriations to a political subdivision or  
10           municipal authority for the construction, purchase, improvement,  
11           repair, maintenance and operation of a facility for the  
12           collection, removal, disposal or marketing of municipal waste,  
13           recyclable materials or composted leaf and yard waste.

14           § 25B08. Exclusion from other laws.

15           A borough may not be subject to requirements otherwise  
16           imposed by law for the sale of personal property owned by the  
17           borough when selling recyclable materials or materials  
18           separated, collected, recovered or created by recycling, as  
19           provided in the act of April 9, 1992 (P.L.70, No.21), entitled  
20           "An act excluding the sale of recyclable material from political  
21           subdivision personal property sale restrictions relating to  
22           advertising and bidding."

23           Section 4. Sections 3301.1(b)(2) and 3301.2(a) of Title 8  
24 are amended to read:

25           § 3301.1. Ordinances and resolutions.

26           \* \* \*

27           (b) Legislative acts.--Every legislative act of council must  
28 be by ordinance. Legislative acts shall include, but not be  
29 limited to:

30           \* \* \*

1 [(2) General appropriation ordinances.]

2 \* \* \*

3 § 3301.2. Publication.

4 (a) Requirements.--Except as provided under this part or  
5 other law, council shall publish every proposed ordinance once  
6 in one newspaper of general circulation [for at least] no less  
7 than seven days and [not] no more than 60 days [prior to  
8 enactment] prior to the day when council shall vote on the  
9 proposed ordinance. Publication of any proposed ordinance shall  
10 include all of the following:

11 (1) The full text or the title of the ordinance and a  
12 brief summary prepared by the borough solicitor setting forth  
13 all the provisions in reasonable detail.

14 (2) A reference to the borough office or other place  
15 where borough records are kept where copies of the proposed  
16 ordinance may be examined.

17 \* \* \*

18 Section 5. This act shall take effect in 60 days.