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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1511** Session of  
1979

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INTRODUCED BY RAPPAPORT, JUNE 18, 1979

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 18, 1979

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AN ACT

1 Relating to and regulating local government boundary changes in  
2 Pennsylvania.

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

18 ARTICLE I

19 Short Title; Definitions; Applicability

20 Section 101. Short title.

21 This act shall be known and may be cited as the "Municipal  
22 Boundary Change Act."

23 Section 102. Definitions.

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

27 "Annexation." Any change in municipal boundaries resulting  
28 from the transfer of territory, comprising part of any  
29 municipality, to any other municipality.

30 "Annexed municipality." Any municipality from which

1 territory shall be proposed to be annexed or attached to an  
2 annexing municipality, under Article II. The annexed  
3 municipality may be, but need not necessarily be, located in the  
4 same county as the annexing municipality.

5 "Annexing municipality." Any municipality to which territory  
6 shall be or shall be proposed to be annexed or attached. The  
7 annexing municipality may be, but need not necessarily be,  
8 located in the same county as the annexed municipality.

9 "Boundary Change Commission." The Boundary Change Commission  
10 of the Commonwealth of Pennsylvania.

11 "Consolidated or merged municipality." Any municipal entity  
12 resulting from successful consolidation or merger proceedings  
13 under Article III.

14 "Consolidation or merger." The combination of two or more  
15 municipalities into one municipality.

16 "Contiguous territory." Territory, any portion of which  
17 abuts the boundary of another municipality, including territory  
18 separated from the boundary of such other political subdivision  
19 by a street, road, railroad, or highway, or by a river or other  
20 natural or artificial stream of water.

21 "Detached municipality." A municipality which would decrease  
22 in total territory as a result of annexation, incorporation or  
23 any other means by which territory can be transferred.

24 "Detaching municipality." A municipality which would  
25 increase in total territory as a result of annexation,  
26 incorporation or any other means by which territory can be  
27 transferred.

28 "Detachment." The transfer of territory by annexation,  
29 incorporation or other means from one municipality to another  
30 municipality.

1 "Election officials." The county boards of election, except  
2 in Philadelphia where "election officials" means the city board  
3 of elections.

4 "Existing municipality." A municipality from which territory  
5 is proposed to be annexed.

6 "Incorporation." The creation of a new municipality from all  
7 or part of the territory of an existing municipality or  
8 municipalities.

9 "Municipality." Any county, city, borough, incorporated  
10 town, township, home rule municipality or any general purpose  
11 unit of government hereinafter created by the General Assembly.  
12 Section 103. Interpretation.

13 (a) Nothing in this act shall preclude, restrict or limit  
14 successive changes in boundaries and territorial limits of any  
15 municipality that would affect any specific territory.

16 (b) When any boundary change shall be made under the  
17 provisions of this act which shall result in a municipality  
18 which lies partly in one county and partly in one or more other  
19 counties, the territory within such municipality shall, for  
20 county and institution district purposes, be and remain a part  
21 of the county in which such territory is physically located.  
22 However, the Boundary Change Commission shall advise the  
23 counties and persons involved of the advisability of placing the  
24 municipality totally within one of the counties by further  
25 annexation.

26 (c) Nothing in this act, and no action taken pursuant to  
27 this act, shall affect or apply to any school district or any  
28 school district boundary, but nothing shall preclude further  
29 action from being taken under the provisions of the act of March  
30 10, 1949 (P.L.30, No.14), known as the "Public School Code of

1 1949," or other applicable provisions of the law to change  
2 school district boundaries or locations.

3 Section 104. Applicability.

4 This act establishes the procedure for and shall apply to the  
5 change of boundaries of all municipalities.

6 ARTICLE II

7 The Boundary Change Commission

8 Section 201. Boundary Change Commission; members.

9 (a) The Boundary Change Commission of the Commonwealth of  
10 Pennsylvania is created and shall be composed of 15 members,  
11 five of whom are to be appointed by the Governor, five of whom  
12 are to be appointed by the President pro tempore of the Senate,  
13 and five of whom are to be appointed by the Speaker of the House  
14 of Representatives. The five members of the Boundary Change  
15 Commission appointed by each of the three above appointing  
16 powers shall not all be of the same political party. Boundary  
17 Change Commission members need not be members of the General  
18 Assembly. The chairman of the commission shall be elected by a  
19 majority vote of the members.

20 (b) The Boundary Change Commission members shall be  
21 appointed as to provide for staggered terms to begin on January  
22 1, 1981 and each shall serve until his successor is qualified.  
23 Initially, of the five members appointed by each appointing  
24 power mentioned in this section, three shall be appointed for  
25 terms of four years and two shall be appointed for terms of two  
26 years. Thereafter, terms of each member of the Boundary Change  
27 Commission shall be for a period of four years. Vacancies shall  
28 be filled by the respective appointing power. The person  
29 appointed to fill such vacancy shall serve only for the  
30 remainder of the vacated term.

1 Section 202. Conduct of business.

2 The commission shall meet in the city of Harrisburg, except  
3 as required for the conduct of public hearings within territory  
4 proposed for boundary change actions. The commission shall make  
5 rules and regulations and prescribe procedures necessary or  
6 desirable in carrying out the intent and purpose of this act,  
7 including forms of petitions for municipal boundary changes, and  
8 the documents, maps and supporting statements deemed to be  
9 necessary, establish rules for public hearings, for the  
10 submission of supplementary documents and statements. The  
11 commission shall keep a record of all proceedings and shall  
12 annually make a written report by July 31 of its business and  
13 activities to the Governor, the General Assembly, the State  
14 Planning Board, the Department of Transportation, the Department  
15 of Community Affairs, the Department of Education, the State Tax  
16 Equalization Board, the Legislative Reapportionment Commission,  
17 the Pennsylvania State Association of County Commissioners, the  
18 Pennsylvania League of Cities, the Pennsylvania State  
19 Association of Boroughs, the Pennsylvania State Association of  
20 Township Commissioners and the Pennsylvania State Association of  
21 Township Supervisors.

22 Section 203. Powers and duties of Boundary Change Commission.

23 The powers and duties of the Boundary Change Commission shall  
24 be:

25 (1) To make studies of proposed local boundary changes  
26 that are referred to it by the governing bodies of  
27 municipalities, or by a petition signed by at least 5% of the  
28 registered electors of a municipality directly affected by  
29 the proposed study and advise the municipalities thereon, or  
30 on its own initiative. The governing body of any municipality



1 may at any time request the Boundary Change Commission of the  
2 Commonwealth to make a study of any proposal for boundary  
3 change affecting the municipality. Such request may also be  
4 made jointly by the governing bodies of all the  
5 municipalities directly affected by such a proposal.

6 (2) To undertake long-range studies of local boundary  
7 problems in Pennsylvania.

8 (3) To set up a system of State and local reporting and  
9 recording of local boundary changes, and of proposals  
10 relating to local boundary changes. No boundary change shall  
11 be considered final until official copies of all ordinances,  
12 petitions and pertinent election returns and other official  
13 documents relating to local boundary changes are deposited  
14 with the Boundary Change Commission and the applicable court  
15 of common pleas.

16 (4) To set standards such as population, areawide  
17 interests, homogeneity, and services which may be used as the  
18 basis for recommending local and State action relating to  
19 local boundary changes.

20 (5) To make studies of boundary change proposals, other  
21 than those effected through the process of initiative and  
22 referendum, which involve detachment of territory from a  
23 municipality.

24 (6) To determine the precedence of simultaneous local  
25 boundary change proceedings which affect the same territory.

26 Section 204. Criteria for granting approval of detachments of  
27 territory.

28 (a) In determining whether a proposal detachment of  
29 territory requiring its approval shall receive such approval,  
30 the Boundary Change Commission shall consider, but shall not be

1 limited to, the following:

2 (1) The topography and other physical characteristics of  
3 the geographical area affected by the proposed detachment.

4 (2) The comprehensive plans that pertain to any  
5 municipality or territory affected by the proposed  
6 detachment.

7 (3) Service factors such as:

8 (i) The need for additional municipal services in  
9 the territory proposed for detachment.

10 (ii) The ability and willingness of any detaching  
11 municipality to provide municipal services to any  
12 affected territory and the time period within which the  
13 residents of such territory shall receive such services.

14 (iii) The extent to which any affected municipality  
15 or territory is interdependent for municipal services  
16 with others that are affected by the proposed detachment.

17 (4) The ability of any detaching municipality to assume  
18 a share of the existing indebtedness and to purchase public  
19 property, as provided in sections 312 and 507.

20 (5) The extent to which there are mutual community  
21 interests in the territory proposed for annexation and in the  
22 annexing municipality.

23 (b) If the only reason set forth in the annexation petition  
24 is the demand or promise of extension of municipal services and  
25 within a reasonable period of time as established by the  
26 Boundary Change Commission the existing municipality provides  
27 such services, then the Boundary Change Commission must deny the  
28 petition for annexation.

29 Section 205. Findings of effect of detachment.

30 If the Boundary Change Commission shall determine that a

1 proposed detachment shall seriously impair the ability of the  
2 remaining portion of the municipality from which territory is  
3 proposed for detachment to provide public services to its  
4 residents, the commission shall take one of the following  
5 actions:

6 (1) Direct that there be no further action on the  
7 original incorporation or annexation petition, and initiate a  
8 referendum in the affected municipalities for incorporation  
9 or consolidation of the entire area of the affected  
10 municipalities.

11 (2) Recommend approval of the original petition for  
12 annexation or incorporation: Provided, That before passage of  
13 the annexation ordinance or before submitting the question of  
14 incorporation to the electors of the municipalities or parts  
15 of municipalities affected, provisions shall be made for the  
16 remaining portion of the municipality from which territory is  
17 proposed to be detached to be either consolidated with or  
18 annexed to another contiguous municipality.

19 (3) Disapprove the original petition for detachment.  
20 Section 206. Boundary Change Commission panels.

21 (a) All proposed boundary changes shall be submitted to the  
22 Local Government Commission. Notice of each proposal shall be  
23 forwarded to the Chairman of the Boundary Change Commission, who  
24 may then administratively assign the proposal to a panel  
25 composed of not more than nine and not less than three members  
26 of the Boundary Change Commission who are not residents of the  
27 municipalities affected.

28 (b) The Boundary Change Commission panel so appointed or  
29 commission as a whole will have the right to hold hearings,  
30 conduct investigations, and solicit the advice of experts,

1 citizens, and officials involved. The panel will be entitled to  
2 call such citizens as are available and to hear from those  
3 persons within the panel's discretion.

4 (c) The members of the panel and commission shall be paid  
5 \$50 per diem and other actual expenses incurred when actually  
6 engaged in the performance of their duties.

7 (d) The Boundary Change Commission or panel may employ the  
8 necessary administrative and clerical personnel or utilize  
9 available existing personnel from the Department of Community  
10 Affairs, the Local Government Commission, or staffs of the House  
11 of Representatives, and Senate of Pennsylvania as they may be  
12 available from those respective departments or agencies, for the  
13 conduct of investigations, hearings, and determinations. The  
14 salaried clerical persons who are loaned to the Boundary Change  
15 Commission will not be paid additional compensation except for  
16 actual expenses which are incurred while attending these  
17 functions, in which case they will be reimbursed.

#### 18 Section 207. Costs of Boundary Change Commission.

19 The cost of the functions of the Boundary Change Commission  
20 in each individual matter referred to it shall be equitably  
21 assessed by the Boundary Change Commission which in turn shall,  
22 as soon as it is assigned, meet with the municipal officials  
23 involved and such other persons who may have been involved in  
24 the initiation of the question, after which the Boundary Change  
25 Commission shall determine and advise them as to the assessment  
26 of costs that the municipalities will be expected to pay.

### 27 ARTICLE III

#### 28 Annexation

#### 29 Section 301. Procedure for annexation.

30 Annexation of contiguous territory may be accomplished by one

1 of the following methods as further provided in sections 302  
2 through 310.

3 (1) petition to the Boundary Change Commission, approved  
4 by the Boundary Change Commission and adoption of an  
5 ordinance by the annexing municipality;

6 (2) action of the governing bodies of the municipalities  
7 affected; or

8 (3) initiative and referendum.

9 Section 302. Petition to the Boundary Change Commission.

10 (a) An annexation may be initiated by presenting a petition  
11 to the Boundary Change Commission, signed by electors comprising  
12 at least 50% of the number of electors voting for the office of  
13 Governor in the last gubernatorial general election within the  
14 territory proposed for annexation, or the petition shall be  
15 signed by the freeholders who represent at least 50% of the  
16 assessed valuation of real property within the territory  
17 proposed for annexation, as certified by the board or boards of  
18 county commissioners. A majority in interest of owners of  
19 undivided interests in any piece of property shall be deemed and  
20 treated as one person for the purpose of ascertaining the number  
21 of freeholders. The petition shall be accompanied by a  
22 resolution of intent to annex the territory in question from the  
23 governing body of the municipality to which the territory is  
24 proposed to be annexed. Once the circulation of a petition has  
25 begun, the petition shall be submitted to the Boundary Change  
26 Commission within 21 days. Failure to do so within that  
27 prescribed time limit will invalidate such petition.  
28 Presentation of a receipt indicating that the petition was  
29 mailed by registered or certified mail on or before the deadline  
30 date shall be evidence of timely filing.

1 (b) The petition for annexation to be submitted to the  
2 Boundary Change Commission shall be in such form and shall  
3 contain such information as the commission may require.

4 (c) The resolution of intent to annex shall include the  
5 following information:

6 (1) A statement that the municipality is willing to  
7 annex the territory described in the petition.

8 (2) A statement setting forth the plans of the  
9 municipality for extending to the territory proposed for  
10 annexation the municipal services performed within the  
11 annexing municipality at the time of annexation.

12 Specifically, such plans shall:

13 (i) conform to the standards of service as  
14 determined by the Boundary Change Commission;

15 (ii) provide for extending or improving such  
16 services to the territory proposed for annexation on the  
17 effective date of annexation on substantially the same  
18 basis and in the same manner as such services are  
19 provided within the rest of the annexing municipality  
20 prior to annexation;

21 (iii) provide for extension or improvement of such  
22 services into the territory proposed for annexation, so  
23 that when such services are extended or improved, persons  
24 in the territory proposed for annexation will be able to  
25 secure such services, according to the policies in effect  
26 in the annexing municipality for extending such services  
27 to individual persons, lots or subdivisions;

28 (iv) set forth a proposed timetable which provides  
29 for the extension or improvement of such services as soon  
30 as possible following the effective date of annexation;

1           and

2                   (v)   set forth a method under which the annexing  
3           municipality plans to finance extension or improvement of  
4           such services into the territory proposed for annexation.

5           (3)   A statement specifying a place or places within any  
6           annexing municipality affected by the proposed annexation  
7           where copies of the petition and the resolution of intent can  
8           be examined by interested individuals and public officials  
9           for a period of at least 30 days following submission of the  
10          petition to the Boundary Change Commission.

11   Section 303.   Notice of annexation proposal.

12          Within ten days after receipt of the petition, the Boundary  
13   Change Commission shall notify by certified mail the governing  
14   bodies of each municipality affected, including the  
15   commissioners of each county in which territory proposed for  
16   annexation is located.

17   Section 304.   Study and report of petition for annexation.

18          The Boundary Change Commission shall make a study of the  
19   petition for annexation and shall submit its recommendations,  
20   within six months after receipt of the petition, to the  
21   governing bodies of the municipalities affected, and the board  
22   or boards of county commissioners of the territory affected by  
23   the proposed annexation and by public notice in a newspaper of  
24   general circulation in the affected area or areas that the  
25   recommendations are available to any person on written request.  
26   If the Boundary Change Commission approves the proposed  
27   annexation, the annexing municipality may complete the  
28   annexation by the passage of an ordinance.

29   Section 305.   Annexation of property of annexing municipality  
30                   or of municipal authority created solely thereby.

1 Any municipality may annex by ordinance any land contiguous  
2 thereto and owned by such annexing municipality or by a  
3 municipal authority created solely by such annexing  
4 municipality, and no petition, from freeholders or residents of  
5 such annexed area, shall be necessary to initiate such  
6 annexation.

7 Section 306. Transfer or exchange of territory by agreement  
8 of adjacent municipalities.

9 Whenever the governing bodies of two adjacent municipalities  
10 shall agree that it is to the best interest of each municipality  
11 and/or that the convenience of the inhabitants thereof would  
12 best be served thereby, territory may be transferred from one of  
13 such adjacent municipalities to the other, or territory may be  
14 exchanged between such two adjacent municipalities, upon  
15 enactment of an ordinance to that effect by each of the two  
16 municipalities, and change in the boundaries and territorial  
17 limits of the said municipalities shall be affected thereby, and  
18 no petition from freeholders or residents shall be necessary to  
19 initiate such transfer or exchange.

20 Section 307. Content of ordinances.

21 Every ordinance providing for annexation pursuant to this  
22 act, shall set forth a description of the territory to be  
23 annexed, and shall contain or have attached thereto a plot,  
24 showing the courses and distances of the boundaries of the  
25 annexing municipality before and after the proposed change in  
26 the boundaries or territorial limits thereof.

27 Section 308. Responsibilities of annexing municipality  
28 following annexation.

29 Within 30 days after final enactment of any ordinance  
30 effecting an annexation, pursuant to this act, the governing



body of the annexing municipality shall perform all of the following acts:

(1) Assign a distinctive designation to the annexed territory, for use in referring thereto.

(2) File with the court of common pleas of the county a certified copy of the ordinance by which such change was effected, together with a plot, showing the courses and distances of the boundaries of the annexing municipality before and after such change, and clearly indicating the designation, as mentioned in paragraph (1), by which the annexed area is to be known. If the territory annexed and the annexing municipality are located in different counties, such documents and information shall be filed with the prothonotary of each of such counties. Such change in boundaries shall take effect 30 days after the date on which such documents are filed in the county in which the annexing municipality or the larger portion of the territory of the annexing municipality is located, unless:

(i) such date is within 90 days prior to any general, municipal or primary election, in which case such change shall take effect as of the day following such election; and

(ii) an appeal is taken before the end of such 30 day period, in which case such appeal shall act as a supersedeas, and such change shall take effect immediately upon final determination and approval of such ordinance by the court of common pleas.

(3) Give notice to the county board of elections of the filing with the court of common pleas of the documents mentioned in paragraph (2).

(4) File with the Department of Community Affairs, the Department of Transportation, the State Planning Board, the Local Government Commission, the Pennsylvania Department of Education, the State Tax Equalization Board, the Legislative Reapportionment Commission and the Boundary Change Commission a final report of such annexation, such report to set forth the name of the annexing municipality; the area of the annexed territory in acres; the total assessed valuation of the annexed territory; the approximate population of the annexed territory; and the designation, as mentioned in paragraph (1), by which the annexed area is to be known.

Section 309. Appeals.

Within 30 days after the date of filing, in the court of common pleas of the county in which the annexing municipality, or the greater portion of the territory of the annexing municipality is located, of any ordinance effecting an annexation pursuant to this act, any freeholder of the annexing municipality or of the municipality within which the proposed territory to be annexed is located may appeal from such ordinance which shall be the exclusive method of appeal. Such appeal shall be taken by petition to the court of common pleas of the county in which the annexing municipality is located, and, in the case of any annexing municipality located in more than one county, to the court of common pleas of the county in which the greater portion of the territory of the annexing municipality is located. Such appeal shall act as a supersedeas. When any such appeal is taken, the court shall fix a day for the same and shall give notice of such hearing to all parties interested, in such manner as the court shall direct. After such hearing, the court shall determine whether the proceedings are

1 in conformity with this act, and shall make an order or decree  
2 dismissing the appeal and approving the annexation or sustaining  
3 the appeal and dismissing the annexation. From any such final  
4 order or decree, any party in interest, aggrieved by such order  
5 or decree, may have an appeal to Commonwealth Court. Upon final  
6 determination and approval of the ordinance by the court of  
7 common pleas, or by Commonwealth Court, such annexation shall  
8 take effect immediately.

9 Section 310. Annexation by initiative and referendum.

10 As an alternative to annexation by the procedures set forth  
11 in the preceding sections, annexation by initiative and  
12 referendum as governed by this section, may be effected in any  
13 municipality, without the approval of any governing body and  
14 without enactment of any ordinance therefor. Such referendum  
15 shall be initiated by the filing with the county board of  
16 elections of the county in which the territory proposed to be  
17 annexed shall be located, on or before the 13th Tuesday before  
18 the next primary, municipal or general election, of a petition  
19 for referendum signed by electors comprising 5% of the number of  
20 electors voting for the office of Governor in the last  
21 gubernatorial general election in such municipality within which  
22 the proposed territory to be annexed is located, or by the  
23 filing with the county board of elections of the county in which  
24 the annexing municipality, or the greater portion of the  
25 territory thereof, is located, of a petition for referendum  
26 signed by electors comprising 5% of the number of electors  
27 voting for the office of Governor in the last gubernatorial  
28 general election in such annexing municipality. Once the  
29 circulation of a petition has begun, the petition shall be  
30 submitted to the county board of elections within 21 days.

1 Failure to do so within that prescribed time limit will  
2 invalidate such petition. When the applicable election officials  
3 find that the petition as submitted is in proper order, they  
4 shall send copies of the initiative petition without the  
5 signatures thereon to the governing bodies of both the annexing  
6 municipality and the municipality within which the proposed  
7 territory to be annexed is located and to the Boundary Change  
8 Commission. The applicable election official shall place the  
9 proposal for such annexation on the ballot in both the annexing  
10 municipality and the municipality within which the proposed  
11 territory to be annexed is located in a manner fairly  
12 representing the content of the petition for decision by  
13 referendum at the next primary, municipal or general election,  
14 occurring not less than the 13th Tuesday after the filing of  
15 such petition. If there shall be a favorable vote in such  
16 referendum in both the annexing municipality and the  
17 municipality within which the proposed territory to be annexed  
18 is located, such annexation shall become effective upon  
19 certification by the county board of elections of the county or  
20 counties involved in the vote. If the vote shall fail, the  
21 question of annexation described in the annexation proposal  
22 shall not be voted on again for a period of five years.

23 Section 311. Distribution of annexed territory among wards;  
24 new wards; ward officers.

25 (a) In the case of any annexing municipality with a  
26 governing body not elected entirely at large, the governing body  
27 of the annexing municipality, within 30 days after the effective  
28 date of the annexation, shall petition the court of common pleas  
29 of the county in which the annexed territory is located, praying  
30 for: the assignment of the annexed territory to one or more

1 designated wards of the annexing municipality, or distribution  
2 of the annexed territory among the wards of the annexing  
3 municipality, or the creation of one or more new wards out of  
4 the annexed territory. The court shall thereupon make the  
5 necessary decree which shall include establishing or changing  
6 election districts to conform to new ward lines and shall  
7 furnish a copy of it to each of the following: the governing  
8 body of the annexing municipality; the county board of elections  
9 of the county in which the annexing municipality is located; and  
10 the county board of elections of the county in which the annexed  
11 territory is located, the school district in which the ward or  
12 wards are located, the Secretary of the Commonwealth, the  
13 Secretary of Community Affairs and the Legislative  
14 Reapportionment Committee.

15 (b) In case one or more new wards is created in the annexing  
16 municipality, the decree of the court shall state the number by  
17 which each new ward is to be designated and shall contain a plan  
18 and schedule for the appointment or election of the first  
19 members of the governing body of the annexing municipality from  
20 each of the new wards so that either immediately or after a  
21 transitional period the election and tenure of the members of  
22 the governing body from the new odd-numbered wards and the new  
23 even-numbered wards as the case may be shall conform to those of  
24 the existing odd-numbered wards and even-numbered wards in the  
25 annexing municipality.

26 Section 312. Adjustment of indebtedness, assets and  
27 liabilities, following annexation.

28 (a) Following any annexation of territory, the governing  
29 body of the annexing municipality and the governing body of the  
30 municipality from which the territory was annexed shall make a

1 proper adjustment and apportionment between the annexing  
2 municipality and the municipality from which the territory was  
3 annexed of all indebtedness, assets and liabilities of the  
4 annexed municipality at the time of the annexation. The  
5 adjustment and apportionment shall provide that the annexing  
6 municipality and the municipality from which the territory was  
7 annexed, respectively, shall be entitled to share in a division  
8 of the assets, liabilities and indebtedness in the proportion  
9 that the assessed valuation, as determined by the county board  
10 for the assessment and revision of taxes, of the annexed portion  
11 of the municipality from which the territory was annexed bears  
12 to the assessed valuation, as so determined, of the entire  
13 municipality from which the territory was annexed immediately  
14 prior to the annexation.

15 (b) However, where indebtedness was incurred by the  
16 municipality from which the territory was annexed for an  
17 improvement located wholly within the limits of the territory  
18 annexed to the annexing municipality, that indebtedness shall be  
19 assumed by the annexing municipality and where any part of an  
20 improvement is located within the limits of the annexed  
21 territory the part of the indebtedness representing that part of  
22 the improvement shall be assumed by the annexing municipality  
23 and the adjustment and apportionment of any remaining  
24 indebtedness of the municipality from which the territory was  
25 annexed shall be made as provided in subsection (a).

26 (c) The adjustment and apportionment of assets, liabilities  
27 and indebtedness shall be reduced to writing, shall be executed  
28 and acknowledged by the clerk or secretary of the annexing  
29 municipality and shall be filed with the prothonotary of the  
30 county or counties in which any municipality affected is

1 located; and a copy shall be filed with the Department of  
2 Community Affairs.

3 Section 313. Judicial adjustment on failure or agreement.

4 In case the governing bodies of the municipalities affected  
5 cannot, within six months after the annexation becomes  
6 effective, arrive at the adjustment and apportionment of  
7 indebtedness, assets and liabilities, as required by section  
8 312, the governing body, a citizen, or a property owner of any  
9 of the municipalities affected may appeal to the court of common  
10 pleas of the county in which the annexing municipality, or the  
11 greater portion of its territory, is located. The court shall  
12 thereupon appoint three disinterested commissioners, all of whom  
13 shall be residents and taxpayers of the county, but none of whom  
14 may be a resident or an owner of real estate in the  
15 municipalities affected. Those commissioners, after hearing,  
16 notice of which shall be given to the municipalities affected as  
17 directed by the court, shall proceed to make the apportionment  
18 and adjustment, and shall report to the court, stating the  
19 amount, if any, that shall be due and payable from one  
20 municipality affected to another, as well as the amount of  
21 indebtedness, if any, that shall be assumed by the municipality  
22 there affected or both.

23 Section 314. Proceedings on judicial adjustment.

24 The commissioners appointed under the terms of section 313  
25 shall give the affected municipalities at least five days'  
26 notice of the filing of their report. Unless exceptions to the  
27 report are filed within 30 days after the date when it was  
28 filed, the report shall be confirmed absolutely by the court.  
29 Any sum awarded by the report to any municipality shall be a  
30 legal and valid claim in its favor against the other

1 municipality. Any real or personal property awarded to any  
2 municipality shall become its property. Any claim of  
3 indebtedness charged against a municipality may be collected  
4 from that municipality by its creditors.

5 Section 315. Exceptions to report.

6 In case exceptions are filed to the report of the  
7 commissioners appointed as provided for in section 313, the  
8 court shall dispose of the same, taking testimony thereon if  
9 deemed advisable. The court shall enter its decree confirming  
10 the report of the commissioners, or modifying the same as to it  
11 appears just and proper. The decision of the court shall be  
12 final unless an appeal is taken to the Commonwealth Court as in  
13 other cases.

14 Section 316. Compensation and expenses of commissioners; costs.

15 The commissioners provided for in section 313 shall be  
16 allowed such compensation and expenses for their services as the  
17 court shall fix. The costs of the proceedings, including the  
18 compensation and expenses of the commissioners, shall be  
19 apportioned among the municipalities involved as the court deems  
20 proper and equitable.

21 Section 317. Where annexing municipality located in two or more  
22 counties.

23 In case the territory of an annexing municipality is located  
24 in two or more counties, the court of common pleas of the county  
25 in which the greater portion of the territory of the annexing  
26 municipality is located shall have exclusive jurisdiction over  
27 the proceedings to determine the cost of certain improvements in  
28 the annexed territory and to adjust and apportion the  
29 indebtedness among the municipalities affected.

30 Section 318. Liquidation of indebtedness.



1 (a) The court shall make all necessary orders for the  
2 collection by any municipality affected, as the case may be, and  
3 payment by it to any other municipality affected of its share of  
4 any indebtedness apportioned to it. The order may direct that  
5 the municipality against which the indebtedness was apportioned  
6 levy and collect special taxes for one year or pay by annual  
7 installments over a stated period of time, the amount needed to  
8 liquidate the indebtedness.

9 (b) If acceptable to the municipality to which money is owed  
10 the other municipality shall have the power to issue and deliver  
11 to the first municipality interest-bearing notes in liquidation  
12 of the indebtedness.

13 Section 319. Collection of taxes levied prior to annexation.

14 All taxes assessed and levied against property in annexed  
15 territory prior to the effective date of the annexation shall be  
16 paid to the municipality from which the territory has been  
17 annexed, and the collection and enforcement thereof shall be as  
18 though the annexation had not taken place.

19 Section 320. Authorized expenditures.

20 Municipalities initiating annexations under the provisions of  
21 this act are authorized to make expenditures for surveys  
22 required to describe the property under consideration, or for  
23 any other purpose necessary to plan for the study and or  
24 annexation of territory adjacent to the municipality.

25 Section 321. Crossing county lines.

26 When the municipalities affected are located in different  
27 counties, the county board of elections and the court of common  
28 pleas in the county where the annexing municipality is located  
29 shall furnish all information relating to an annexation to their  
30 counterparts in the other county or counties concerned.

1 Section 322. Election districts and officers.

2 All election districts in the annexed territory shall remain  
3 as constituted before the annexation except as provided in  
4 section 311 and shall become election districts of the annexing  
5 municipality until changed in accordance with the act of June 3,  
6 1937 (P.L.1333, No.320), known as the "Pennsylvania Election  
7 Code." All election district officers shall continue in office  
8 until the expiration of their terms, unless the office is  
9 vacated.

10 ARTICLE IV

11 Consolidation or Merger

12 Section 401. Procedure for consolidation or merger.

13 Any two or more municipalities, situated in the same county  
14 or in two or more different counties, may be consolidated or  
15 merged as provided in this article into a single municipality,  
16 if each of such municipalities shall be contiguous to at least  
17 one other of such municipalities, and if together such  
18 municipalities would form a consolidated or merged municipality  
19 that is territorially compact. Consolidation or merger may be  
20 commenced by one of the following methods as further provided in  
21 sections 402 through 405.

22 (1) by joint agreement of the governing bodies of the  
23 municipalities proposed for consolidation or merger as  
24 approved by ordinance; or

25 (2) by initiative; or

26 (3) by the Boundary Change Commission.

27 Section 402. Initiative of consolidation or merger

28 proceedings by joint agreement of governing bodies.

29 (a) The governing bodies of all the municipalities proposed  
30 for consolidation or merger shall enter into a joint agreement

1 under the official seal of each municipality for the  
2 consolidation or merger thereof into one municipality. The joint  
3 agreement shall set forth:

4 (1) the names of the municipalities that are parties to  
5 the agreement;

6 (2) the name and the territorial boundaries of the  
7 municipality proposed for consolidation or merger;

8 (3) the type and class of the new municipality, if the  
9 municipalities entering into the agreement are of more than  
10 one type or class;

11 (4) whether the municipality proposed to be consolidated  
12 or merged is to be governed solely by the code and other  
13 general laws applicable to the kind and class of the  
14 consolidated municipality or whether it is to be governed by  
15 a home rule charter or an optional plan of government  
16 previously adopted by one of the consolidating or merging  
17 municipalities; and

18 (5) the number of wards, if any, into which the new  
19 municipality is to be divided for the purpose of electing all  
20 or some of the members of the municipal governing body.

21 (b) The joint agreement shall also set forth those terms  
22 agreed upon for:

23 (1) the disposition of the assets of each of the  
24 municipalities that are parties thereto;

25 (2) the liquidation of the indebtedness; and

26 (3) the responsibility for the liabilities of each,  
27 either jointly, separately or in certain defined proportions,  
28 by separate rates of taxation on all property subject to  
29 taxation within the boundaries of each of the constituent  
30 municipalities.

1 (c) The joint agreement shall also set forth the  
2 governmental organization of the new municipality insofar as it  
3 concerns elected officers and shall contain a transitional plan  
4 and schedule applicable to elected officers. The plan shall  
5 provide for the termination of the elected officers of the  
6 constituent municipalities and for the election of the first  
7 officers of the new municipality so that, either immediately or  
8 following a transitional period, election and tenure shall  
9 conform to those in other municipalities of the same kind and  
10 class in the Commonwealth with properly staggered terms where  
11 those are required or desired.

12 (d) The joint agreement shall provide for common  
13 administration and enforcement, during the two-year transitional  
14 period referred to in section 409, by the officer or officers of  
15 the consolidated municipality named in the agreement, of those  
16 ordinances that are to be enforced separately within the former  
17 constituent municipalities.

18 Section 403. Initiation of consolidation or merger proceedings  
19 by petition of electors.

20 (a) In order for consolidation or merger proceedings to be  
21 initiated by petition of electors, petitions containing  
22 signatures of at least 5% of the electors in each municipality,  
23 respectively, voting for the office of Governor in the last  
24 gubernatorial general election in each municipality proposed to  
25 be involved in such consolidation or merger shall be filed with  
26 the county board of elections of the county in which such  
27 municipality, or the greater portion of the territory thereof,  
28 is located. When the applicable election officials find that the  
29 petition or petitions as submitted are in proper order, they  
30 shall send copies of the initiative petition or petitions

1 without the signatures thereon to the governing bodies of each  
2 of the municipalities affected by the consolidation or merger  
3 and to the Boundary Change Commission.

4 (b) Every such petition shall set forth:

5 (1) the name of the municipality from which the signers  
6 of the petition were obtained;

7 (2) the names of the municipalities proposed to be  
8 involved in the consolidation or merger;

9 (3) the name of the municipality proposed for  
10 consolidation or merger;

11 (4) the type and class of the new municipality, if the  
12 municipalities to be involved in the consolidation or merger  
13 are of more than one type or class;

14 (5) whether the municipality proposed for consolidation  
15 or merger is to be governed solely by the code and other  
16 general laws applicable to the kind and class of the  
17 consolidated or merged municipality, or whether it is to be  
18 governed by a home rule charter or an optional plan of  
19 government previously adopted by one of the consolidated or  
20 merged municipalities; and

21 (6) the number of wards, if any, the new municipality is  
22 to be divided into for the purpose of electing all or some of  
23 the members of the municipal governing body.

24 (c) Once the circulation of a petition has begun, the  
25 petition shall be submitted to the county board of elections  
26 within 21 days. Failure to do so within that prescribed time  
27 limit will invalidate such petition.

28 Section 404. Initiation of consolidation or merger proceedings  
29 by petition to the Boundary Change Commission.

30 (a) Petitions may be submitted to the Boundary Change

Commission, each petition containing signatures of at least 5% of the electors in each municipality, respectively, voting for the office of Governor in the last gubernatorial general election in such municipality, requesting consolidation or merger of two or more municipalities into one municipality.

Every such petition shall set forth:

(1) the name of the municipality from which the signers of the petition were obtained;

(2) the names of the municipalities proposed to be involved in the consolidation or merger;

(3) the name of the municipality proposed for consolidation or merger;

(4) the type and class of the new municipality, if the municipalities to be involved in the consolidation or merger are of more than one type or class;

(5) whether municipality proposed for consolidation or merger is to be governed solely by the code and other general laws applicable to the kind and class of the consolidated or merged municipality, or whether it is to be governed by a home rule charter or an optional plan of government previously adopted by one of the consolidated or merged municipalities; and

(6) the number of wards, if any, the new municipality is to be divided into for the purpose of electing some or all of the members of the municipal governing body.

(b) Once the circulation of a petition has begun, the petition shall be submitted to the Boundary Change Commission within 21 days. Failure to do so within that prescribed time limit will invalidate such petition. Presentation of a receipt indicating that the petition was mailed by registered or

1 certified mail on or before the deadline date shall be evidence  
2 of timely filing. Whenever such petitions shall have been  
3 received by the Boundary Change Commission the Boundary Change  
4 Commission shall take all necessary steps to place such  
5 referendum question before the electors of all municipalities  
6 proposed to be so consolidated or merged. Such steps may  
7 include: a study of the consolidation or merger proposal;  
8 advising citizens and officials on any and all matters  
9 pertaining thereto; and holding meetings or conferences in any  
10 of the municipalities proposed to be consolidated or merged:  
11 Provided, that all such studies, meetings and assistance by the  
12 Boundary Change Commission shall be completed within six months  
13 after receipt of the petitions received from municipalities  
14 involved in a specific consolidation or merger proposal, and  
15 such completion date shall be attested by the Chairman of the  
16 Boundary Change Commission in a document to be filed with the  
17 Secretary of the Commonwealth.

18 Section 405. Conduct of referenda.

19 Following initiation of proceedings for consolidation or  
20 merger by either of the three procedures set out in the three  
21 preceding sections, the question of such consolidation or merger  
22 shall be placed before the electors of each of the  
23 municipalities proposed to be so consolidated or merged into a  
24 single municipality. Such referendum shall be held at the first  
25 primary, municipal or general election held not less than the  
26 13th Tuesday after:

27 (1) the date of the general agreement entered into under  
28 the provisions of section 402;

29 (2) the date of filing of the petition filed under the  
30 provisions of section 403;

1           (3) the date of completion of the work of the Boundary  
2 Change Commission under the provisions of section 404. Such  
3 consolidation or merger shall not be effected unless the  
4 referendum question thereon shall be approved by a majority  
5 of all the electors voting hereon in each of the  
6 municipalities in which such referendum is held. If in any  
7 one of the municipalities in which any such referendum shall  
8 be held, a majority in favor of such consolidation or merger  
9 shall not result, such consolidation or merger shall fail and  
10 such consolidation or merger shall not take place. The  
11 question of merger or consolidation described in the merger  
12 or consolidation proposal shall not be voted on again for a  
13 period of five years; or

14           (4) if the electors of two or more contiguous  
15 municipalities proposed for consolidation or merger shall  
16 approve the consolidation or merger, but one or more of the  
17 municipalities shall fail to approve, the Boundary Change  
18 Commission may make a study of the feasibility of  
19 consolidation or merger of those municipalities approving the  
20 proposal, and in its discretion may initiate a local  
21 referendum for the consolidation or merger of such  
22 municipalities at the next primary, municipal or general  
23 election but not less than the 13th Tuesday after the  
24 Boundary Change Commission has submitted its study to the  
25 local governing bodies of the municipalities involved.

26 Section 406. Consolidation or merger agreement.

27           (a) Upon favorable action by the electorate on consolidation  
28 or merger, in cases where consolidation or merger was initiated  
29 otherwise than by joint agreement of municipal governing bodies  
30 under section 402, the governing bodies of all municipalities to



1 be consolidated or merged into a single new municipality shall  
2 meet within 60 days after the certification of the favorable  
3 vote and shall thereupon make a consolidation or merger  
4 agreement, as follows:

5 (1) In case the governing body, or part of the governing  
6 body, of the consolidated or merged municipality is to be  
7 elected on a ward basis, the agreement shall set forth the  
8 boundaries and the ward designation, by number, of each ward,  
9 and the number of members of the municipal governing body to  
10 be elected from each ward.

11 (2) The agreement shall set forth those terms agreed  
12 upon for: the disposition of the assets of each of the  
13 municipalities that are parties to the agreement; and the  
14 liquidation of the indebtedness and the responsibility for  
15 the liabilities of each, either jointly, separately or in  
16 certain defined proportions, by separate rates of taxation on  
17 all property subject to taxation within the boundaries of  
18 each of the municipalities involved.

19 (3) The agreement shall also set forth the governmental  
20 organization of the new municipality, insofar as it concerns  
21 elected officers, and shall contain a transitional plan and  
22 schedule applicable to elected officers. The agreement shall  
23 provide for the termination of the elected officers of the  
24 municipalities being merged or consolidated, and the election  
25 of the first officers of the new municipality so that, either  
26 immediately or following a transitional period, election and  
27 tenure shall conform to those in other municipalities of the  
28 same kind and class in the Commonwealth, with properly  
29 staggered terms, where those are required or desired.

30 (4) The agreement shall provide for common

1 administration and enforcement, during the two year  
2 transitional period referred to in section 409, by the  
3 officer or officers of the consolidated municipality named in  
4 the agreement, of those ordinances that are to be enforced  
5 separately within the former constituent municipalities.

6 (b) A copy of the consolidation or merger agreement shall be  
7 filed with the Boundary Change Commission, the Department of  
8 Community Affairs, the Department of Transportation, the State  
9 Planning Board, the Local Government Commission, the Department  
10 of Education, State Tax Equalization Board, the Legislative  
11 Reapportionment Commission, the court of common pleas and the  
12 board of county commissioners of the county or counties in which  
13 municipalities affected are located.

14 Section 407. Effectuation of consolidation or merger.

15 The municipalities so consolidated or merged shall continue  
16 to be governed as before consolidation or merger until the first  
17 Monday of January following the municipal election next  
18 succeeding the election at which consolidation or merger  
19 referenda were held. At that municipal election, the necessary  
20 officers of the consolidated municipality shall be elected in  
21 accordance with the terms of the general law affecting  
22 municipalities of the kind or class of the consolidated or  
23 merged municipality, or, in case of a consolidated or merged  
24 municipality operating under a home rule charter or optional  
25 plan of government, in accordance with the charter or optional  
26 plan or with general law affecting home rule or optional plan  
27 municipalities, as applicable. The officers elected at that  
28 municipal election shall be elected for terms of office under  
29 the plan and schedule set out in the consolidation or merger  
30 agreement authorized by section 402 or 406, as the case may be.

1 They shall take office as officers of the merged municipality on  
2 the first Monday of January following the municipal election at  
3 which they were elected, and, thereupon, the consolidated or  
4 merged municipality shall begin to function and the former  
5 municipalities so consolidated or merged shall be abolished.

6 Section 408. Effect of transition on employees of the  
7 consolidated or merged municipality.

8 As of the date when a consolidated or merged municipality  
9 shall begin to function, all appointive offices and positions  
10 then existing in all former municipalities involved in such  
11 consolidation or merger shall be disposed of in accordance with  
12 the terms of the consolidation or merger agreement, except for  
13 officers and employees at such time protected by any tenure of  
14 office or civil service provision. Provisions shall be made for  
15 instances in which there is duplication of positions, included  
16 but not limited to chief of police or manager and to such other  
17 matters as varying length of employee contracts, different civil  
18 service regulations in the constituent municipalities, and  
19 differing ranks and position classifications for similar  
20 positions.

21 Section 409. Effect of consolidation or merger.

22 (a) Except for ordinances of which the provisions by their  
23 very nature could not be carried out after consolidation or  
24 merger, the ordinances in force in each of the constituent  
25 municipalities at the time of the consolidation or merger shall  
26 continue in force throughout the territory for which they were  
27 originally enacted until replaced or repealed by the governing  
28 body of the consolidated or merged municipality but subject to  
29 any common administrative and enforcement arrangements contained  
30 in the consolidation agreement. After consolidation or merger

1 becomes effective, a new ordinance book shall be used by the  
2 municipality and the first document to be recorded in it shall  
3 be the consolidation agreement. No later than two years after  
4 consolidation or merger goes into effect, codification of all  
5 the ordinances of the constituent municipalities shall be  
6 completed. This shall include: new provisions uniform throughout  
7 the new municipality when needed; repeal of obsolete material;  
8 and tabulation or indexing of those ordinances of the  
9 constituent municipalities that are of permanent effect.

10 (b) All rights, privileges and franchises of each of the  
11 constituent municipalities and all property, real, personal and  
12 mixed belonging to each of those municipalities shall be vested  
13 in the consolidated or merged municipality. The title to real  
14 estate vested in any of those municipalities shall not revert or  
15 be in any way impaired by reason of the consolidation or merger.  
16 All rights of creditors and liens shall be preserved; all  
17 agreements and contracts shall remain in force; and all debts,  
18 liabilities and duties of each of the municipalities shall be  
19 attached to the consolidated or merged municipality and may be  
20 enforced against it.

## 21 ARTICLE V

### 22 Incorporation

23 Section 501. Procedure for incorporation.

24 A new municipality may be incorporated by initiative and  
25 referendum from contiguous territory of all or part of an  
26 existing municipality or municipalities. Incorporation proposals  
27 which include a part of a municipality shall receive the  
28 approval of the Boundary Change Commission before they are  
29 submitted for referendum.

30 Section 502. Petition for incorporation.

1       The petition for incorporation of a municipality shall be  
2 submitted to the Boundary Change Commission and shall be signed  
3 by electors comprising at least 5% of the elections in each  
4 municipality, respectively, voting for the office of Governor in  
5 the last gubernatorial general election within each municipality  
6 proposed for incorporation, or the petition or petitions shall  
7 be signed by the freeholders in each municipality or part  
8 thereof who represent at least 50% of the assessed valuation of  
9 real property within each municipality or part thereof proposed  
10 for incorporation, as certified by the board or boards of county  
11 commissioners. A majority in interest of owners of undivided  
12 interests in any piece of property shall be deemed and treated  
13 as one person for the purpose of ascertaining the number of  
14 freeholders. Once the circulation of a petition has begun, the  
15 petition shall be submitted to the Boundary Change Commission  
16 within 21 days. Failure to do so within that prescribed time  
17 limit will invalidate such petition. Presentation of a receipt  
18 indicating that the petition was mailed by registered or  
19 certified mail on or before the deadline date shall be evidence  
20 of timely filing.

21 Section 503. Incorporation petition.

22       The petition for incorporation to the Boundary Change  
23 Commission shall be in such form and shall contain such  
24 information as the commission may require.

25 Section 504. Study and report of petition for incorporation.

26       The Boundary Change Commission shall make a study of the  
27 petition for incorporation and shall submit its recommendations,  
28 within six months after receipt of the petition, to the person  
29 in each municipality who submitted the petition, to the  
30 governing bodies of the municipalities affected, and to the

1 board or boards of county commissioners of the territory  
2 affected by the proposed incorporation.

3 Section 505. Incorporation election.

4 (a) The Boundary Change Commission shall cause a question  
5 relating to the proposed incorporation to be submitted to the  
6 electorate of the territory proposed for incorporation; however,  
7 the Boundary Change Commission shall not cause to be submitted  
8 for referendum any incorporation proposal affecting less than an  
9 entire municipality unless the proposal has been approved by the  
10 commission. Such election shall be held at the next primary,  
11 municipal or general election not less than the 13th Tuesday  
12 after the Boundary Change Commission has requested the  
13 appropriate county board or boards of election to place the  
14 question on the ballot. The election shall be conducted under  
15 the provisions of the "Pennsylvania Election Code." In case a  
16 referendum on incorporation of territory not constituting an  
17 entire existing municipality or one or more entire existing  
18 wards, the county board of elections shall prescribe the  
19 procedure to be followed. If a majority of the electors voting  
20 on such question in each of the municipalities affected shall  
21 vote in favor of such incorporation or, in any case where a  
22 proposal affecting less than an entire municipality has been  
23 approved by the Boundary Change Commission, if a majority of the  
24 electors voting upon such question in the territory proposed for  
25 incorporation shall vote in favor of such incorporation, it  
26 shall be deemed final.

27 (b) Certification of the vote favorable to incorporate shall  
28 be made by the county board of elections to the governing bodies  
29 of the municipalities affected, to the appropriate board or  
30 boards of county commissioners and to the Boundary Change

1 Commission.

2 (c) If the incorporation proposal includes either all or  
3 part of two or more municipalities and if a majority of the  
4 persons voting on such question in any one of the municipalities  
5 affected shall vote against such incorporation, then the  
6 incorporation proceedings shall fail. If the referendum on  
7 incorporation proceedings shall fail, the question of  
8 incorporation of territory described in the incorporation  
9 proposal shall not be voted on again for a period of five years.

10 Section 506. Effectuation of incorporation.

11 (a) Incorporation shall become effective on the 1st Tuesday  
12 after the 1st Monday in January following the next succeeding  
13 municipal election or special election held in conjunction with  
14 any primary, general or municipal election at which local  
15 officials of the new municipality shall be elected. At the  
16 request of the petitioners, the special election may be called  
17 for by the court of common pleas who shall then fix the time,  
18 place, and manner of holding the special election which shall be  
19 in conjunction with any primary, general or municipal election.

20 (b) Municipal officers chosen at a special election shall  
21 serve until the 1st Tuesday after the 1st Monday in January  
22 following the next succeeding municipal election at which time  
23 their successors shall be elected in accordance with the laws  
24 covering the election of municipal officials of the type and  
25 class of municipality to which the new incorporated municipality  
26 belongs.

27 (c) The municipal election at which said officials are to be  
28 elected shall be held in accordance with the laws governing  
29 municipal officials of the type and class of municipality to  
30 which the new municipality belongs. The election of municipal

1 officials shall be such as to provide for staggering terms of  
2 office as closely in compliance as possible with the governing  
3 municipal code.

4 (d) Said election shall not be held before the 13th Tuesday  
5 after certification of the favorable vote to incorporate. The  
6 court of common pleas having jurisdiction shall appoint from  
7 among the electors of the newly incorporated municipality a  
8 judge and inspector to hold the election.

9 (e) When the newly incorporated municipality shall go into  
10 effect, the former municipality or municipalities shall cease to  
11 exist in every case in which the entire territory of a  
12 municipality or municipalities has been included in the newly  
13 incorporated municipality.

14 Section 507. Assets, liabilities and indebtedness where entire  
15 municipality incorporated as new municipality.

16 Where an entire municipality shall be incorporated as a new  
17 municipality, all assets of the former municipality shall become  
18 assets of and property of the new municipality, all indebtedness  
19 of the old municipality shall be assumed by the new  
20 municipality, and all liabilities of the old municipality shall  
21 become liabilities of the new municipality.

22 Section 508. Adjustment of assets, liabilities and indebtedness  
23 where part of municipality is incorporated as new  
24 municipality.

25 (a) Following any incorporation of part of the territory of  
26 a municipality as a new municipality, the governing body of the  
27 newly incorporated municipality and the governing body of the  
28 municipality from which territory was incorporated shall make a  
29 proper adjustment and apportionment between the two  
30 municipalities of all indebtedness, assets and liabilities of



1 the municipality from which territory was incorporated, as of  
2 the time of incorporation. The adjustment and apportionment  
3 shall provide that both the new municipality and the original  
4 municipality shall be entitled to share in a division of the  
5 assets, liabilities and indebtedness in the proportion that the  
6 assessed valuation of the new municipality, as determined by the  
7 county board for the assessment and revision of taxes, bears to  
8 the assessed valuation, as so determined, of the original  
9 municipality immediately prior to the annexation.

10 (b) However, where indebtedness was incurred by the  
11 municipality from which the new municipality was incorporated  
12 for an improvement located wholly within the newly incorporated  
13 municipality, that indebtedness shall be assumed by the newly  
14 incorporated municipality, and where any part of an improvement  
15 is located within the limits of the newly incorporated  
16 municipality, the part of the indebtedness representing that  
17 part of the improvement shall be assumed by the newly  
18 incorporated municipality, and apportionment of any remaining  
19 indebtedness of the original municipality shall be made as  
20 provided in the first paragraph of this section.

21 (c) The adjustment and apportionment of the assets,  
22 liabilities and indebtedness shall be reduced to writing, shall  
23 be executed and acknowledged by the clerk or secretary of the  
24 newly incorporated municipality and shall be filed with the  
25 prothonotary of the county or counties in which the two  
26 municipalities are located; and copies shall be filed with the  
27 Department of Community Affairs, the Department of  
28 Transportation, the Local Government Commission, the Boundary  
29 Change Commission, the Pennsylvania Department of Education, the  
30 State Tax Equalization Board, the Pennsylvania Legislative

1 Reapportionment Commission, and the boards of county  
2 commissioners of the counties in which the two municipalities  
3 are located.

4 Section 509. Judicial adjustment on failure of agreement.

5 In case the governing bodies of the newly incorporated  
6 municipality and the municipality from which territory was  
7 incorporated cannot, within six months after the incorporation  
8 becomes effective, arrive at the adjustment and apportionment of  
9 the indebtedness, assets and liabilities, as required by section  
10 507, the governing body, a citizen, or a property owner of any  
11 of the municipalities affected may appeal to the court of common  
12 pleas of the county in which the municipality from which  
13 territory was incorporated, or the greater portion of the area  
14 of that municipality, is located. The court shall thereupon  
15 appoint three disinterested commissioners, all of whom shall be  
16 residents and taxpayers of the county, but none of whom may be a  
17 resident or an owner of real estate in either the newly  
18 incorporated municipality or the municipality from the territory  
19 of which that municipality was incorporated. Those  
20 commissioners, after hearing, notice of which shall be given to  
21 both interested municipalities as directed by the court, shall  
22 proceed to make the apportionment and adjustment, and shall  
23 report to the court stating the amount, if any, that shall be  
24 due and payable from the newly incorporated municipality to the  
25 municipality from which it was incorporated or from the  
26 municipality from which the new municipality was incorporated,  
27 as well as the amount of indebtedness, if any, that shall be  
28 assumed by the newly incorporated municipality, or the  
29 municipality from which it was incorporated, or both of them.

30 Section 510. Proceedings on judicial adjustment.

1       (a) The commissioners shall give the incorporating  
2 municipality and the municipality from which territory was  
3 incorporated at least 15 days' notice of the filing of their  
4 report. Unless exceptions to the report are filed, the report  
5 shall be confirmed absolutely by the court. Any sum awarded by  
6 the court to the incorporating municipality or to the  
7 municipality from which territory has been incorporated shall be  
8 a legal and valid claim in its favor against the municipality  
9 charged therewith. Any property, real or personal, given to the  
10 incorporating municipality or to the municipality from which  
11 territory has been incorporated shall become its property. Any  
12 claim or indebtedness charged against the incorporating  
13 municipality or the municipality from which territory has been  
14 incorporated shall be paid within one year from the date of  
15 confirmation absolute.

16       (b) If the exceptions are filed to the report of the  
17 commissioners, the court shall dispose of same and enter its  
18 decree or modify the same as to it appears just and proper.

19 Section 511. Compensation and expenses of commissioners; costs.

20       The commissioners provided for in section 509 shall be  
21 allowed such compensation and expenses for their services as the  
22 court shall fix. Such compensation and expenses shall be paid to  
23 the commissioners for days on which they are actually engaged in  
24 the performance of their duties. The costs of the proceedings,  
25 including the compensation and expenses of the commissioners,  
26 shall be apportioned between the newly incorporated municipality  
27 and the municipality from which territory has been incorporated  
28 as it deems proper and equitable.

29 Section 512. Where incorporating municipality is located in  
30 two or more counties.

1        If the territory of the new incorporated municipality is  
2 located in two or more counties, the court of common pleas of  
3 the county in which the greater portion of the territory of the  
4 new incorporated municipality is located shall have exclusive  
5 jurisdiction over the proceedings to determine the cost of  
6 certain improvements in the territory incorporated and to adjust  
7 and apportion the indebtedness between the incorporating  
8 municipality and the municipality from which territory has been  
9 incorporated.

10 Section 513. Liquidation of indebtedness.

11        (a) The court may make all necessary orders for the  
12 collection by the newly incorporated municipality or by the  
13 municipality from which territory was incorporated, as the case  
14 may be, and payment by it to the other municipality, of its  
15 share of any indebtedness apportioned to it. The order may  
16 direct that the municipality against which the indebtedness was  
17 apportioned levy and collect special taxes for one year, or pay  
18 by annual installments over a stated period of time, the amount  
19 needed to liquidate the indebtedness.

20        (b) If acceptable to the municipality to which money is  
21 owed, the other municipality shall have the power to issue and  
22 deliver to the first municipality interest-bearing bonds in  
23 liquidation of the indebtedness.

24 Section 514. Collection of taxes levied prior to incorporation.

25        All taxes levied against property in the territory  
26 incorporated prior to the effective date of the incorporation  
27 shall be paid to the municipality from which territory has been  
28 incorporated and the collection and enforcement thereof shall be  
29 as though the incorporation had not taken place.

30 Section 515. Crossing county lines.

1       Where the newly incorporated municipality is located in more  
2 than one county, the county board of elections and the court of  
3 common pleas in the county in which the greater part of the  
4 territory of the newly incorporated municipality is located  
5 shall furnish official information relating to the incorporation  
6 to their counterparts in the other county or counties concerned.  
7 Section 516. Election districts and officers.

8       Except for any temporary arrangements for the purpose of a  
9 referendum under section 505, all election districts in the new  
10 incorporated territory shall remain as constituted before the  
11 incorporation, and shall become election districts of the  
12 incorporating municipality until changed in accordance with the  
13 "Pennsylvania Election Code." All election district officers  
14 shall continue in office until the expiration of their terms,  
15 unless the office is vacated.

## 16                                   ARTICLE VI

### 17                           Repeals and Effective Date

18 Section 601. Repeals.

19       (a) The following acts and parts of acts are repealed:

20           (1) The act of April 22, 1903 (P.L.247, No.183),  
21       entitled "An act enabling the burgess and council of any  
22       borough or incorporated town, by ordinance, to annex to the  
23       borough or incorporated town adjacent territory, upon  
24       petition of a majority of the freehold owners thereof."

25           (2) The act of April 28, 1903 (P.L.332, No.260),  
26       entitled "An act for the annexation of any city, borough,  
27       township, or part of a township, to a contiguous city, and  
28       providing for the indebtedness of the same."

29           (3) The act of February 7, 1906 (P.L.7, No.1), entitled  
30       "An act to enable cities that are now, or may hereafter be,

1 contiguous or in close proximity, to be united, with any  
2 intervening land other than boroughs, in one municipality;  
3 providing for the consequences of such consolidation, the  
4 temporary government of the consolidated city, payment of the  
5 indebtedness of each of the united territories, and the  
6 enforcement of debts and claims due to or from each."

7 (4) The act of May 28, 1907 (P.L.295, No.223), entitled  
8 "A supplement to an act, entitled 'An act for the annexation  
9 of any city, borough, township, or part of a township, to a  
10 contiguous city, and providing for the indebtedness of the  
11 same,' approved the twenty-eighth day of April, Anno Domini  
12 one thousand nine hundred and three; to enable territory now  
13 annexed, or which may hereafter be annexed under the  
14 provisions of said act, to be arranged and erected into a  
15 ward, or wards, of the city to which it is annexed; and  
16 providing the procedure for that purpose, and for the proper  
17 representation of the ward or wards erected."

18 (5) The act of June 1, 1907 (P.L.377, No.271), entitled  
19 "A supplement to an act, approved April twenty-eighth, one  
20 thousand nine hundred three, entitled 'An act for the  
21 annexation of any city, borough, township, or part of a  
22 township, to a contiguous city, and providing for the  
23 indebtedness of the same,' providing for the preservation of  
24 rights of creditors and of liens, and for funding the debt of  
25 the municipality or school district annexed."

26 (6) The act of May 6, 1915 (P.L.260, No.152), entitled  
27 "A supplement to an act approved the seventh day of February,  
28 one thousand nine hundred and six, entitled 'An act to enable  
29 cities that are now or may hereafter be contiguous or in  
30 close proximity, to be united with any intervening land,

1 other than boroughs, in one municipality; providing for the  
2 consequences of such consolidation, the temporary government  
3 of the consolidated city, payment of the indebtedness of each  
4 of the united territories, and the enforcement of debts and  
5 claims due to or from each,' by providing that the  
6 indebtedness of each city and intervening land, heretofore or  
7 hereafter united or consolidated under the provisions of said  
8 act, shall be paid by the consolidated city, and for the  
9 levying of a uniform tax, upon all the territory included  
10 within the consolidated city, for the payment of the same."

11 (7) The act of May 6, 1915 (P.L.272, No.167), entitled  
12 "A supplement to an act, approved the twenty-eighth day of  
13 April, one thousand nine hundred and three, entitled 'An act  
14 for the annexation of any city, borough, township, or part of  
15 a township, to a contiguous city, and providing for the  
16 indebtedness of the same,' by providing that any city,  
17 heretofore or hereafter enlarged by any annexation under the  
18 terms of said act, shall be liable for and shall pay the  
19 indebtedness of such city and the territory so annexed; and  
20 providing for the levying of a uniform tax upon all the  
21 territory included within such city as enlarged by such  
22 annexation, for the payment of all such indebtedness."

23 (8) The act of May 31, 1923 (P.L.473, No.258), entitled  
24 "An act authorizing the annexation to cities of the second  
25 class of portions of townships not exceeding one hundred  
26 acres in area and totally surrounded by said cities; and  
27 providing for the division of the assets and liabilities of  
28 said townships."

29 (9) The act of May 12, 1925 (P.L.596, No.320), entitled  
30 "An act providing for the alteration of the boundaries of

counties in certain cases for the adjustment of the indebtedness thereof; providing the effect thereof."

(10) Sections 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 250, 251, 252, 253, 254, 255, 501, 502, 503, 504, 505, 506, 515, 516, 517, 518, 525, 526, 535, 536, 540, 541, 542, 543, 544, 545, 550, 551, 560, 561, 562, 570 and 580, act of June 23, 1931 (P.L.932, No.317), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P.L.662, No.164).

(11) Sections 210, 211, 212, 213, 214, 216, 217, 218 and 219, act of June 24, 1931 (P.L.1206, No.331), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P.L.1955, No.569).

(12) Sections 205, 206, 207, 208, 209, 210, 211, 211.1, 212, 213, 214 and 215, act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P.L.1481, No.567).

(13) Clause (c) of section 2 and all of section 3, act of May 29, 1935 (P.L.244, No.102), entitled "An act creating a Local Government Commission to study and report on functions of local government; their allocation and elimination; the cost of local government and means of reducing it; and the consolidation of local government; and making an appropriation."

(14) The act of May 13, 1937 (P.L.620, No.161), entitled "An act requiring the consent of the electors of a township of the first class when such township, or any part thereof, is to be annexed to a contiguous borough or city."

(15) The act of July 2, 1937 (P.L.2803, No.588), entitled "An act providing a method of annexation of



1 townships of the first class, and parts thereof, to cities  
2 and boroughs, and regulating the proceedings pertaining  
3 thereto," sections 1 through 9 reenacted and amended May 9,  
4 1951 (P.L.225, No.34).

5 (16) The act of June 15, 1939 (P.L.372, No.217),  
6 entitled "An act affecting cities of the second class A,  
7 authorizing the annexation of boroughs and townships thereto  
8 under certain conditions, and, in connection therewith,  
9 placing duties upon or affecting courts of quarter sessions,  
10 county boards of elections, and officers of boroughs,  
11 townships and cities of the second class A, and providing for  
12 the payment of the indebtedness of the various territorial  
13 units involved."

14 (17) The act of July 20, 1953 (P.L.550, No.145),  
15 entitled "An act providing for and regulating the annexation  
16 of parts of a second class township to boroughs, cities and  
17 townships."

18 (18) Articles II and IV, act of February 1, 1966 (1965  
19 P.L.1656, No.581), known as "The Borough Code."

20 (b) All other acts and parts of acts are repealed insofar as  
21 they are inconsistent herewith.

22 Section 602. Application to procedures previously initialed.

23 Where initiative and referendum proceedings under the second  
24 paragraph of section 8 of Article IX of the Constitution were  
25 commenced in any municipality before the effective date of this  
26 act, those proceedings may continue just as if this act had not  
27 been passed. Insofar as this act sets forth procedures,  
28 conditions and requirements applicable following a referendum on  
29 the question of consolidation, merger or boundary change, this  
30 act shall apply in any municipality where those referendum

1 proceedings had been commenced or where the electors had voted  
2 in the affirmative or in the negative in any such referendum  
3 before the effective date of this act.

4 Section 603. Effective date.

5 This act shall take effect immediately.