

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 642

Session of  
1981

INTRODUCED BY LAUGHLIN, A. C. FOSTER, JR., FRYER, DeMEDIO, FEE,  
GEORGE, TRELLO, MISCEVICH, LEVI, CIMINI, DeWEESE,  
D. R. WRIGHT, LLOYD AND COLAFELLA, FEBRUARY 18, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 18, 1981

AN ACT

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

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

8 Section 1. The act of May 1, 1933 (P.L.103, No.69), known as  
9 "The Second Class Township Code," reenacted and amended July 10,  
10 1947 (P.L.1481, No.567), is amended by adding an article to  
11 read:

ARTICLE XVI-A

Manufacture and Supply of Electricity

14 Section 1601-A. Manufacture and Purchase of Electricity.--  
15 Any township may manufacture or purchase electricity for the use  
16 of the inhabitants of such township. Any township owning or  
17 operating electric light plants may make contracts for supplying  
18 electricity for commercial purposes outside the limits of such  
19 township, with the consent of the municipal corporation. Except

1 for electricity supplied on the effective date of this  
2 amendatory act, no person, firm, or corporation shall introduce  
3 electric current for light, heat, or power purposes, without the  
4 consent of the township authorities, into the limits of any  
5 township which is furnishing electric current to the  
6 inhabitants: Provided, however, That this limitation shall not  
7 apply to any person, firm, or corporation manufacturing  
8 electricity exclusively for its own use: And provided further,  
9 That before any township shall construct an electric light  
10 plant, or purchase the property of any person, copartnership, or  
11 electric light company, the question of the increase of the debt  
12 of such township, for any of such purposes, shall first be  
13 submitted to the qualified voters of the township, in the manner  
14 provided by law for the increase of indebtedness of municipal  
15 corporations.

16 Section 1602-A. May Regulate Use and Prices.--Any township  
17 furnishing electricity may regulate the use of electricity in  
18 dwelling, business places, and other places in such township,  
19 and the rate to be charged for the same.

20 Section 1603-A. Sale of Electric Light Works.--By ordinance,  
21 a township may sell all or part of its electric light works to a  
22 purchaser for such sale price as the parties may agree upon, and  
23 thereafter for all purposes that price shall be deemed to be the  
24 purchaser's original cost less accrued depreciation of the plant  
25 at the date of purchase.

26 Section 1604-A. Purchase of Electric Light Works.--Whenever  
27 any person, copartnership, or any electric light company  
28 organized under the laws of the Commonwealth, is furnishing  
29 light to any township or the public within such township, such  
30 township may purchase the works of such person, copartnership,

1 or corporation, at such price as may be agreed upon by the  
2 township and such person or copartnership, or a majority in  
3 value of the stockholders of such corporation.

4 Section 1605-A. Petition for Viewers.--Upon failure so to  
5 agree on purchase price the township may present a petition to  
6 the court of common pleas, asking for the appointment of viewers  
7 to assess the value of the plant and works so proposed to be  
8 purchased whereupon the court shall appoint three viewers from  
9 the county board of viewers, neither of whom shall be interested  
10 in such works, or be stockholders in such corporation, or  
11 taxpayers in such township, and shall appoint a time for their  
12 meeting, of which ten days' notice shall be given to all parties  
13 in interest.

14 Section 1606-A. Duty of Viewers.--The viewers, having been  
15 sworn or affirmed justly and impartially to appraise the  
16 property, and having viewed the premises and taken such  
17 testimony as may be offered by any party touching the value of  
18 the property and franchises, they shall determine the amount of  
19 damages that such person, copartnership, or corporation will  
20 sustain, and to whom payable, and make report thereof to the  
21 court; which report shall be confirmed "nisi" by the court, and  
22 if no appeal is taken as hereinafter provided, shall be  
23 confirmed absolutely.

24 Section 1607-A. Appeal from Report; Trial by Jury.--Either  
25 party may, at any time within thirty days after the confirmation  
26 "nisi" of any such report, appeal therefrom to the court of  
27 common pleas of the county. After such appeal, either party may  
28 put the cause at issue, in the form directed by the court, and  
29 the same shall be tried before a jury.

30 Section 1608-A. Exceptions to Report.--If any exceptions are

1 filed with any appeal, they shall be speedily disposed of, and,  
2 if allowed, a new view shall be ordered; but if disallowed, the  
3 appeal shall proceed as before provided.

4 Section 1609-A. Notices.--The court shall have power to  
5 order what notice shall be given in connection with any part of  
6 such proceedings.

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