

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1099 Session of 1987

INTRODUCED BY ARGALL AND FOSTER, APRIL 21, 1987

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 6, 1987

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),
2 entitled "An act concerning boroughs, and revising, amending
3 and consolidating the law relating to boroughs," further
4 providing for a decrease in the number of councilmen; and
5 making an editorial change.

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

8 Section 1. ~~Section~~ SECTIONS 806 AND 818 of the act of <—
9 February 1, 1966 (1965 P.L.1656, No.581), known as The Borough
10 Code, ~~is~~ ARE amended to read: <—

11 SECTION 806. OFFICERS TO BE ELECTED.--IT SHALL BE LAWFUL FOR <—
12 THE ELECTORS OF THE BOROUGH TO ELECT:

13 (1) IN BOROUGHS NOT DIVIDED INTO WARDS, SEVEN COUNCILMEN,
14 ONE MAYOR, ONE ASSESSOR, EXCEPT IN THOSE BOROUGHS WHERE, UNDER
15 THE APPLICABLE COUNTY ASSESSMENT LAW, THE OFFICE OF ELECTED
16 ASSESSOR IN BOROUGHS SHALL HAVE BEEN ABOLISHED; A TAX COLLECTOR
17 AND THREE AUDITORS OR ONE CONTROLLER EXCEPT IN SUCH BOROUGHS
18 WHERE THERE SHALL BE AN APPOINTED AUDITOR IN LIEU OF ELECTED

1 AUDITORS OR CONTROLLER. IN ANY BOROUGH WITH POPULATION, AS  
2 DETERMINED BY THE LATEST OFFICIAL CENSUS, OF LESS THAN [ONE  
3 THOUSAND] THREE THOUSAND, THE TOTAL NUMBER OF COUNCILMEN MAY BE  
4 REDUCED FROM SEVEN TO FIVE OR TO THREE UPON PETITION TO THE  
5 COURT OF [QUARTER SESSIONS] COMMON PLEAS, AS PROVIDED IN SECTION  
6 818 OF THIS ACT.

7 (2) IN BOROUGHS DIVIDED INTO WARDS, AT LEAST ONE, AND NOT  
8 MORE THAN TWO COUNCILMEN IN EACH WARD, EXCEPT IN BOROUGHS WHERE  
9 PRIOR TO THE PASSAGE OF THIS ACT THREE COUNCILMEN WERE ELECTED  
10 IN EACH WARD. IN SUCH BOROUGHS, THE NUMBER OF COUNCILMEN IS  
11 FIXED AT THREE IN EACH WARD UNTIL SUCH NUMBER IS REDUCED IN THE  
12 MANNER PROVIDED BY THIS ACT. COUNCILMEN SHALL BE RESIDENTS OF  
13 THE WARD FROM WHICH THEY ARE ELECTED, AND CHOSEN BY THE ELECTORS  
14 OF THE WARD; ALSO A MAYOR, A TAX COLLECTOR AND THREE AUDITORS OR  
15 A CONTROLLER, EXCEPT IN SUCH BOROUGHS WHERE THERE SHALL BE AN  
16 APPOINTED AUDITOR IN LIEU OF ELECTED AUDITORS OR CONTROLLER, AND  
17 AN ASSESSOR, EXCEPT IN THOSE BOROUGHS WHERE, UNDER THE  
18 APPLICABLE COUNTY ASSESSMENT LAW, THE OFFICE OF ELECTED ASSESSOR  
19 SHALL HAVE BEEN ABOLISHED WHO SHALL BE CHOSEN BY THE ELECTORS OF  
20 THE BOROUGHS AT LARGE.

21 Section 818. Decrease in Number of Councilmen.--The court of  
22 [quarter sessions] common pleas may, upon petition of at least  
23 five percent of the registered electors of any borough, which,  
24 according to the latest official census, had a population of not  
25 more than [one thousand] three thousand, reduce the total number  
26 of councilmen for such borough from seven to five or to three.  
27 The sufficiency of the number of signers to any such petition  
28 shall be ascertained as of the date when the petition is  
29 presented to court.

30 The court shall give notice of the filing of such petition by

1 advertisement in the legal journal of the county, if one is  
2 published in the county, and in one newspaper of general  
3 circulation in the borough, and in such notice shall fix a day  
4 and time for hearing. After such hearing, the court may decrease  
5 the number of councilmen elected in such borough from seven to  
6 five or three, as requested in the petition.

7 At the municipal election following the decrease in the  
8 number of councilmen in such borough, from seven to five, if  
9 four councilmen would otherwise have been elected, there shall  
10 instead be elected three councilmen; if three councilmen would  
11 otherwise have been elected there shall instead be elected two  
12 councilmen. At the second municipal election following the  
13 decrease in the number of councilmen in such borough, if four  
14 councilmen would otherwise have been elected, there shall  
15 instead be elected three councilmen; if three councilmen would  
16 otherwise have been elected, there shall be elected two  
17 councilmen. At all following municipal elections, there shall be  
18 elected the proper number of councilmen to correspond to the  
19 number of councilmen whose terms are to expire the first Monday  
20 of the following January.

21 At the municipal election following the decrease in the  
22 number of councilmen in such borough from seven to three, if  
23 four councilmen would otherwise have been elected there shall  
24 instead be elected two councilmen; if three councilmen would  
25 otherwise have been elected there shall instead be elected one  
26 councilman. At the second municipal election following the  
27 decrease in the number of councilmen in such borough, if four  
28 councilmen would otherwise have been elected, there shall  
29 instead be elected two councilmen; if three councilmen would  
30 otherwise have been elected, there shall be elected one

1 councilman. At all the following municipal elections, there  
2 shall be elected the proper number of councilmen to correspond  
3 to the number of councilmen whose terms are to expire the first  
4 Monday of the following January.

5 In any borough where, under the provisions of this section,  
6 the number of councilmen shall be reduced, the councilmen then  
7 in office shall remain in office until the end of their  
8 respective terms. If any such borough shall thereafter attain a  
9 population in excess of [one thousand] three thousand, according  
10 to the latest official census, the number of councilmen shall  
11 automatically be increased from three or five to seven,  
12 following the reverse of the procedure set forth in the third or  
13 fourth paragraph of this section, as the case may be.

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