

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2353 Session of
1990

INTRODUCED BY BOYES, KASUNIC, GANNON, RUDY, NAILOR, TRELLO,
DISTLER, PESCI, CHADWICK, JOHNSON, VROON, BUSH, SERAFINI,
NOYE, CARLSON, D. F. CLARK, WILSON, CIVERA, MELIO, MERRY,
B. SMITH, SCRIMENTI, BUNT, FARGO, TELEK, SAURMAN, NAHILL,
ADOLPH AND BARLEY, MARCH 19, 1990

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 11, 1990

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 residence requirements for
5 supervisors; FURTHER PROVIDING FOR THE TAX TO SUPPORT
6 AMBULANCE AND RESCUE SQUADS; AUTHORIZING THE ESTABLISHMENT OF
7 BOARDS OF HEALTH; PROVIDING FOR THEIR POWERS AND DUTIES; AND
8 MAKING REPEALS. <—

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

11 Section 1. Section 410 of the act of May 1, 1933 (P.L.103,
12 No.69), known as The Second Class Township Code, reenacted and
13 amended July 10, 1947 (P.L.1481, No.567), is amended by adding a
14 subsection to read:

15 Section 410. Supervisors.--* * *

16 (c) Supervisors shall reside in the township from which
17 elected and shall have resided in that township continuously for
18 at least one year before their election.

19 ~~Section 2. This act shall take effect in 60 days.~~ <—

SECTION 2. CLAUSE 8 OF SUBSECTION A OF SECTION 905 OF THE
ACT, ADDED MAY 10, 1974 (P.L.294, NO.92), IS AMENDED AND THE
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

SECTION 905. TOWNSHIP AND SPECIAL TAX LEVIES.--A. THE BOARD
OF TOWNSHIP SUPERVISORS MAY, BY RESOLUTION, LEVY TAXES UPON ALL
REAL PROPERTY AND UPON ALL OCCUPATIONS, OR UPON REAL PROPERTY
ALONE, WITHIN THE TOWNSHIP MADE TAXABLE FOR TOWNSHIP PURPOSES,
AS ASCERTAINED BY THE LAST ADJUSTED VALUATION FOR COUNTY
PURPOSES, FOR THE PURPOSES AND AT THE RATES HEREINAFTER
SPECIFIED. ALL TAXES SHALL BE COLLECTED IN CASH.

* * *

8. AN ANNUAL TAX, NOT EXCEEDING ONE-HALF MILL, FOR THE
PURPOSE OF SUPPORTING AMBULANCE AND RESCUE SQUADS SERVING THE
TOWNSHIP, EXCEPT AS PROVIDED IN SUBSECTION D.

* * *

D. THE TAX FOR SUPPORTING AMBULANCE AND RESCUE SQUADS
SERVING THE TOWNSHIP SHALL NOT EXCEED THE RATE SPECIFIED IN
CLAUSE 8 OF SUBSECTION A, EXCEPT WHEN THE QUESTION IS SUBMITTED
TO THE VOTERS OF THE TOWNSHIP IN THE FORM OF A REFERENDUM WHICH
WILL APPEAR ON THE BALLOT IN ACCORDANCE WITH THE ELECTION LAWS
OF THE COMMONWEALTH. THE COUNTY BOARD OF ELECTIONS SHALL FRAME
THE QUESTION TO BE SUBMITTED TO THE VOTERS OF THE TOWNSHIP IN
ACCORDANCE WITH THE ELECTION LAWS OF THE COMMONWEALTH.

SECTION 3. SECTION 1901-A OF THE ACT IS REPEALED.

SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1901-A.1. ESTABLISHMENT OF BOARD OF HEALTH.--THE
BOARD OF SUPERVISORS MAY APPOINT A TOWNSHIP BOARD OF HEALTH AND
TOWNSHIP HEALTH OFFICER FOR THE PURPOSE OF ADMINISTRATION AND
ENFORCEMENT OF THE HEALTH AND SANITATION LAWS OF THE TOWNSHIP.
WHERE A BOARD OF HEALTH IS APPOINTED, SUCH BOARD MAY APPOINT A

1 HEALTH OFFICER OR INSPECTOR WHOSE DUTIES SHALL BE TO IMPLEMENT
2 AND ENFORCE THE HEALTH AND SANITATION LAWS OF THE TOWNSHIP AND
3 ACTIONS OF THE BOARD OF HEALTH. SUCH HEALTH OFFICER OR
4 INSPECTOR, WHETHER APPOINTED BY THE BOARD OF SUPERVISORS OR BY
5 THE BOARD OF HEALTH, SHALL NOT ENTER UPON THE PERFORMANCE OF THE
6 DUTIES OF OFFICE UNTIL CERTIFIED AS A QUALIFIED HEALTH OFFICER
7 OR INSPECTOR BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES AND
8 THE DEPARTMENT OF HEALTH.

9 SECTION 5. SECTIONS 1902-A, 1903-A, 1904-A, 1905-A, 1906-A
10 AND 1907-A OF THE ACT, ADDED MARCH 22, 1956 (P.L.1323, NO.419),
11 ARE AMENDED TO READ:

12 SECTION 1902-A. MEMBERS OF [SANITARY] BOARD OF HEALTH.--
13 [WHERE THE TOWNSHIP SUPERVISORS DECIDE TO APPOINT A SANITARY
14 BOARD, SAID BOARD] A BOARD OF HEALTH APPOINTED UNDER THE
15 PROVISIONS OF THIS ARTICLE SHALL BE COMPOSED OF FIVE MEMBERS AT
16 LEAST ONE OF WHOM SHALL BE A [REPUTABLE] LICENSED PHYSICIAN OF
17 NOT LESS THAN TWO YEARS EXPERIENCE IN THE PRACTICE OF HIS
18 PROFESSION. THE MEMBERS OF THE BOARD OF HEALTH SHALL BE
19 APPOINTED BY THE [TOWNSHIP] BOARD OF SUPERVISORS. [AT THE FIRST
20 APPOINTMENT] UPON THE CREATION OF A BOARD OF HEALTH ONE MEMBER
21 SHALL BE APPOINTED TO SERVE FOR ONE YEAR, ONE FOR TWO YEARS, ONE
22 FOR THREE YEARS, ONE FOR FOUR YEARS, AND ONE FOR FIVE YEARS, AND
23 THEREAFTER ONE MEMBER SHALL IN LIKE MANNER BE APPOINTED EACH
24 YEAR TO SERVE FOR FIVE YEARS. UPON THE CREATION OF A BOARD OF
25 HEALTH IN A TOWNSHIP WHICH HAS AN EXISTING SANITARY BOARD, THE
26 TOWNSHIP SUPERVISORS MAY CONTINUE THE INCUMBENT MEMBERS OF THE
27 SANITARY BOARD AS MEMBERS OF THE BOARD OF HEALTH. THE MEMBERS OF
28 THE [SANITARY] BOARD OF HEALTH SHALL SERVE WITHOUT COMPENSATION,
29 BUT [IF ANY MEMBER OF THE BOARD SHALL BE ELECTED TO THE OFFICE
30 OF SECRETARY HE] SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY

1 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. THE
2 SECRETARY OF THE BOARD OF HEALTH SHALL BE ENTITLED TO RECEIVE A
3 SALARY FIXED BY THE BOARD OF SUPERVISORS FOR THAT OFFICE.

4 SECTION 1903-A. OATHS OF MEMBERS, SECRETARY AND [SANITARY
5 OFFICER] HEALTH OFFICER AND INSPECTORS.--THE MEMBERS OF THE
6 BOARD OF HEALTH SHALL, SEVERALLY, TAKE AND SUBSCRIBE TO THE OATH
7 PRESCRIBED BY SECTION FIVE HUNDRED ONE OF THIS ACT, AND SHALL,
8 ANNUALLY, ORGANIZE BY ELECTING A [PRESIDENT] CHAIRMAN FROM AMONG
9 THE MEMBERS OF THE BOARD, A SECRETARY WHO MAY OR MAY NOT BE A
10 MEMBER OF THE BOARD, AND A [SANITARY OFFICER] HEALTH OFFICER AND
11 INSPECTORS WHO SHALL NOT BE [A MEMBER] MEMBERS OF THE BOARD. THE
12 SECRETARY AND THE [SANITARY OFFICER] HEALTH OFFICER AND
13 INSPECTORS SHALL RECEIVE SUCH SALARY AS MAY BE FIXED BY THE
14 BOARD [AND RATIFIED BY THE TOWNSHIP] OF SUPERVISORS, AND SHALL
15 SERVE FOR A PERIOD OF ONE YEAR OR UNTIL SUCH TIME THEREAFTER AS
16 THEIR SUCCESSORS MAY BE [ELECTED] APPOINTED AND QUALIFIED. [THEY
17 SHALL, SEVERALLY, GIVE BOND TO THE TOWNSHIP IN SUCH SUMS AS MAY
18 BE FIXED BY ORDINANCE FOR THE FAITHFUL DISCHARGE OF THEIR
19 DUTIES, AND SHALL ALSO TAKE AND SUBSCRIBE TO THE OATH REQUIRED
20 BY MEMBERS OF THE BOARD.]

21 SECTION 1904-A. DUTIES OF SECRETARY.--THE SECRETARY OF THE
22 BOARD OF HEALTH SHALL KEEP THE MINUTES OF THE PROCEEDINGS OF THE
23 BOARD OF HEALTH, SHALL KEEP ACCURATE ACCOUNTS OF THE
24 EXPENDITURES OF THE BOARD OF HEALTH, SHALL DRAW ALL REQUISITIONS
25 FOR THE PAYMENT OF MONEYS ON ACCOUNT OF THE [SANITARY] BOARD OF
26 HEALTH FROM APPROPRIATIONS MADE BY THE BOARD OF SUPERVISORS TO
27 THE BOARD OF HEALTH AND SHALL PRESENT [THE SAME] THEM TO THE
28 [PRESIDENT] CHAIRMAN OF THE BOARD OF HEALTH FOR HIS APPROVAL,
29 SHALL RENDER STATEMENTS OF THE EXPENDITURES TO THE BOARD OF
30 HEALTH AT EACH STATED MEETING OR AS FREQUENTLY AS THE BOARD OF

1 HEALTH MAY REQUIRE, SHALL PREPARE UNDER THE DIRECTIONS OF THE
2 BOARD OF HEALTH THE ANNUAL REPORT TO THE [TOWNSHIP] BOARD OF
3 SUPERVISORS TOGETHER WITH THE ESTIMATE OF APPROPRIATION NEEDED
4 FOR THE ENSUING YEAR, AND SHALL MAKE SUCH OTHER REPORTS AND
5 PERFORM SUCH OTHER DUTIES AS THE BOARD OF HEALTH MAY REQUIRE.

6 SECTION 1905-A. POWERS AND DUTIES OF [SANITARY OFFICER]
7 HEALTH OFFICERS AND INSPECTORS.--IT SHALL BE THE DUTY OF THE
8 [SANITARY OFFICER] HEALTH OFFICER AND INSPECTORS TO ATTEND ALL
9 STATED AND SPECIAL MEETINGS OF THE [SANITARY] BOARD OF HEALTH
10 AND AT ALL TIMES BE READY AND AVAILABLE FOR THE PROMPT
11 PERFORMANCE OF [HIS] THEIR OFFICIAL DUTIES. [HE] THEY SHALL MAKE
12 [SANITARY] INSPECTIONS, AND SHALL EXECUTE THE ORDERS OF THE
13 [SANITARY] BOARD OF HEALTH [AND SHALL, IN THE PERFORMANCE OF HIS
14 DUTIES, HAVE THE POWER AND AUTHORITY OF A POLICEMAN].

15 SECTION 1906-A. POWERS OF BOARD OF HEALTH.--THE [SANITARY]
16 BOARD OF HEALTH SHALL [HAVE THE POWER, AND IT SHALL BE ITS DUTY,
17 TO] ENFORCE THE HEALTH AND SANITATION LAWS OF THE COMMONWEALTH[,
18 THE] AND ANY REGULATIONS PROMULGATED THEREUNDER [OF THE STATE
19 DEPARTMENT OF HEALTH,] AND [TO MAKE AND ENFORCE SUCH ADDITIONAL
20 RULES AND REGULATIONS FOR ABATING AND REMOVING ALL NUISANCES
21 WHICH THE BOARD SHALL DEEM PREJUDICIAL TO THE PUBLIC HEALTH, TO
22 MARK INFECTED HOUSES OR PLACES, TO PRESCRIBE RULES FOR THE
23 CONSTRUCTION AND MAINTENANCE OF HOUSE-DRAINS, WASH-PIPES, SOIL-
24 PIPES AND CESSPOOLS, AND TO MAKE ALL SUCH OTHER RULES AND
25 REGULATIONS AS SHALL BE DEEMED NECESSARY FOR THE PRESERVATION OF
26 THE PUBLIC HEALTH] THE HEALTH AND SANITATION LAWS AND
27 REGULATIONS OF THE TOWNSHIP.

28 [THE BOARD SHALL ALSO HAVE THE POWER TO MAKE, ENFORCE AND
29 CAUSE TO BE PUBLISHED ALL NECESSARY RULES AND REGULATIONS NOT
30 INCONSISTENT WITH LAW FOR CARRYING INTO EFFECT THE POWERS AND

1 FUNCTIONS WITH WHICH THEY ARE INVESTED BY LAW AND THE POWER AND
2 AUTHORITY RELATING TO THE PUBLIC HEALTH CONFERRED ON THE
3 TOWNSHIPS.] SUCH [RULES AND] REGULATIONS, WHEN [APPROVED BY]
4 AUTHORIZED BY ORDINANCE OF THE TOWNSHIP [SUPERVISORS] AND WHEN
5 ADVERTISED IN [THE SAME MANNER AS ORDINANCES] ACCORDANCE WITH
6 APPROPRIATE LAW, SHALL HAVE THE FORCE OF ORDINANCES OF THE
7 TOWNSHIP [AND ALL]. ALL PENALTIES [OR PUNISHMENT] PRESCRIBED FOR
8 THE VIOLATION THEREOF AS WELL AS THE EXPENSES ACTUALLY AND
9 NECESSARILY INCURRED IN CARRYING SUCH [RULES] ORDINANCES AND
10 REGULATIONS INTO EFFECT SHALL BE RECOVERABLE [FOR THE USE OF THE
11 TOWNSHIP IN THE SAME MANNER AS PENALTIES FOR VIOLATION OF THE
12 ORDINANCES OF THE TOWNSHIP AND SUBJECT TO LIKE LIMITATIONS AS TO
13 THE AMOUNT THEREOF] IN ENFORCEMENT PROCEEDINGS AND PAID INTO THE
14 GENERAL TOWNSHIP FUND. TOWNSHIPS MAY ESTABLISH AND REVISE AS
15 NECESSARY, SUCH FEES AS ARE DEEMED APPROPRIATE FOR LICENSES OR
16 PERMITS ISSUED BY THE TOWNSHIP.

17 SECTION 1907-A. ENTRY UPON PREMISES.--[THE SANITARY BOARD
18 SHALL HAVE THE POWER AS A BODY OR BY COMMITTEE AS WELL AS THE
19 SANITARY OFFICER, TOGETHER WITH THEIR ASSISTANTS, SUBORDINATES
20 AND WORKMEN, UNDER AND BY ORDER OF THE SAID BOARD TO ENTER AT
21 ANY TIME UPON ANY PREMISES IN THE TOWNSHIP UPON WHICH THERE IS
22 SUSPECTED TO BE ANY NUISANCE DETRIMENTAL TO THE PUBLIC HEALTH
23 FOR THE PURPOSE OF EXAMINING AND ABATING THE SAME.] THE BOARD OF
24 HEALTH, HEALTH OFFICER OR INSPECTORS, MAY ENTER UPON ANY
25 PREMISES WITHIN THE TOWNSHIP WHERE THERE IS REASONABLY SUSPECTED
26 TO EXIST ANY HEALTH HAZARD OR VIOLATION OF HEALTH OR SANITATION
27 LAWS OR REGULATIONS, OR WHICH ARE OF A TYPE THAT MAY GIVE RISE
28 TO A HEALTH HAZARD. SUCH ENTRY MAY BE MADE WITH OR WITHOUT PRIOR
29 NOTICE TO THE OWNER OR OCCUPANT.

30 SECTION 6. SECTION 1908-A OF THE ACT IS REPEALED.

1 SECTION 7. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

2 SECTION 1908-A.1. WRITTEN ORDER FOR VIOLATION.--WHERE THE
3 BOARD OF HEALTH OR HEALTH OFFICER OR INSPECTORS DETERMINE THAT A
4 HEALTH OR SANITATION HAZARD OR VIOLATION EXISTS, A WRITTEN ORDER
5 SHALL BE DIRECTED TO THE OWNER OR OCCUPANT OF THE PREMISES
6 INVOLVED, ORDERING AN ABATEMENT OF THE HAZARD OR VIOLATION AND
7 THE TAKING OF SUCH CORRECTIVE ACTION AS THE BOARD OF HEALTH OR
8 HEALTH OFFICER OR INSPECTORS MAY DEEM NECESSARY UNDER THE
9 CIRCUMSTANCES. SUCH ORDER SHALL SET FORTH A SPECIFIC TIME IN
10 WHICH THE ABATEMENT AND CORRECTIVE ACTION SHALL BE ACCOMPLISHED.
11 IN THE EVENT THE ORDER IS NOT COMPLIED WITH WITHIN THE TIME
12 PROVIDED, THE BOARD OF HEALTH OR HEALTH OFFICER OR INSPECTORS
13 MAY ENTER UPON THE PREMISES AND ISSUE ORDERS FOR THE IMMEDIATE
14 TERMINATION OF ACTIVITIES CREATING THE VIOLATION, THE POTENTIAL
15 VIOLATION AND ALL ACTS OF COMMERCE CONDUCTED IN, ON OR AT THE
16 PREMISES IN QUESTION. IN ADDITION, THE BOARD OF HEALTH, HEALTH
17 OFFICER, OR INSPECTORS MAY PROCEED TO ENFORCE THE LAW OR
18 REGULATION BEING VIOLATED IN THE SAME MANNER AS ORDINANCES OF
19 THE TOWNSHIP.

20 SECTION 8. SECTION 1909-A OF THE ACT IS REPEALED.

21 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

22 SECTION 1909-A.1. APPROPRIATIONS AND ANNUAL REPORT.--THE
23 BOARD OF SUPERVISORS SHALL MAKE AN ANNUAL APPROPRIATION TO THE
24 BOARD OF HEALTH OR HEALTH OFFICER IN SUCH AMOUNTS AS THE BOARD
25 OF SUPERVISORS SHALL DEEM APPROPRIATE. THE BOARD OF HEALTH OR
26 HEALTH OFFICER SHALL, BEFORE THE PREPARATION OF THE ANNUAL
27 BUDGET OF THE TOWNSHIP, SUBMIT TO THE BOARD OF SUPERVISORS THE
28 ESTIMATED EXPENSES OF THE BOARD OF HEALTH OR HEALTH OFFICER FOR
29 THE ENSUING YEAR. THE BOARD OF HEALTH OR HEALTH OFFICER SHALL BY
30 THE FIRST DAY OF FEBRUARY OF EACH YEAR PREPARE AND SUBMIT TO THE

1 BOARD OF SUPERVISORS AND THE REGIONAL OFFICE OF THE DEPARTMENT
2 OF ENVIRONMENTAL RESOURCES AND THE DEPARTMENT OF HEALTH AN
3 ANNUAL REPORT, IN WRITING, SETTING FORTH THE ACTIVITIES AND
4 EXPENDITURES OF THE BOARD OF HEALTH OR HEALTH OFFICER DURING THE
5 PRIOR CALENDAR YEAR.

6 SECTION 10. SECTION 1910-A OF THE ACT, ADDED MARCH 22, 1956
7 (P.L.1323, NO.419), IS AMENDED TO READ:

8 SECTION 1910-A. COOPERATION WITH OTHER [UNITS] GOVERNMENTAL
9 AGENCIES.--(A) ANY TOWNSHIP MAY COOPERATE [WITH THE COUNTY OR
10 WITH ANY CITY, BOROUGH OR TOWNSHIP AS WELL AS WITH THE STATE
11 DEPARTMENT OF HEALTH] AND ENTER INTO AGREEMENTS WITH ANY OTHER
12 GOVERNMENTAL AGENCY IN THE ADMINISTRATION AND ENFORCEMENT OF
13 HEALTH AND SANITATION LAWS.

14 (B) IF THE BOARD OF SUPERVISORS ABOLISHES THE BOARD OF
15 HEALTH OR POSITIONS OF HEALTH OFFICER OR INSPECTORS AND
16 DISCONTINUES SERVICES UNDER THIS ARTICLE, THE DEPARTMENT OF
17 ENVIRONMENTAL RESOURCES AND THE DEPARTMENT OF HEALTH SHALL BE
18 NOTIFIED. AN OFFICIAL COPY OF SUCH ACTION OF THE BOARD OF
19 SUPERVISORS SHALL BE TRANSMITTED TO THE REGIONAL OFFICE OF THE
20 DEPARTMENT OF ENVIRONMENTAL RESOURCES AND THE REGIONAL OFFICE OF
21 THE DEPARTMENT OF HEALTH.

22 (C) THE TOWNSHIP MAY REQUEST ASSISTANCE FROM THE DEPARTMENT
23 OF ENVIRONMENTAL RESOURCES OR THE DEPARTMENT OF HEALTH WHERE THE
24 TOWNSHIP FEELS SUCH ASSISTANCE IS NECESSARY FOR THE HEALTH AND
25 SAFETY OF ITS CITIZENS.

26 SECTION 11. SECTIONS 1911-A, 1912-A, 1913-A AND 1914-A OF
27 THE ACT ARE REPEALED.

28 SECTION 12. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

29 (1) SECTION 1 (SECTION 410) SHALL TAKE EFFECT IN 60
30 DAYS.

1 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
2 IMMEDIATELY.