

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1117 Session of
1995

INTRODUCED BY FAIRCHILD, MARCH 13, 1995

SENATOR ROBBINS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
OCTOBER 8, 1996

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
 2 "An act concerning townships of the first class; amending,
 3 revising, consolidating, and changing the law relating
 4 thereto," PROVIDING AUTHORIZATION TO MAKE APPROPRIATIONS FOR <—
 5 THE TRAINING OF FIRE PERSONNEL AND FOR FIRE TRAINING SCHOOLS
 6 OR CENTERS; AND further providing for contracts.

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

9 ~~Section 1. Section 1802(d) of the act of June 24, 1931 <—~~
 10 ~~(P.L.1206, No.331), known as The First Class Township Code,~~
 11 ~~reenacted and amended May 27, 1949 (P.L.1955, No.569) is amended~~
 12 ~~by adding a clause to read:~~

13 SECTION 1. CLAUSES XVI, XVII AND LIV OF SECTION 1502 OF THE <—
 14 ACT OF JUNE 24, 1931 (P.L.1206, NO.331), KNOWN AS THE FIRST
 15 CLASS TOWNSHIP CODE, REENACTED AND AMENDED MAY 27, 1949
 16 (P.L.1955, NO.569), ARE AMENDED TO READ:

17 SECTION 1502. THE CORPORATE POWER OF A TOWNSHIP OF THE FIRST
 18 CLASS SHALL BE VESTED IN THE BOARD OF TOWNSHIP COMMISSIONERS.

1 THE BOARD SHALL HAVE POWER--

2 * * *

3 XVI. FIRE REGULATIONS. TO MAKE REGULATIONS WITHIN THE
4 TOWNSHIP OR WITHIN SUCH LIMITS, AS MAY BE DEEMED PROPER,
5 RELATIVE TO THE CAUSE AND MANAGEMENT OF FIRES AND THE PREVENTION
6 THEREOF; TO PURCHASE OR CONTRIBUTE TO THE PURCHASE OF FIRE
7 ENGINES AND FIRE APPARATUS FOR THE USE OF THE TOWNSHIP, AND TO
8 APPROPRIATE MONEY TO FIRE COMPANIES FOR THE OPERATION AND
9 MAINTENANCE THEREOF, FOR THE TRAINING OF FIRE PERSONNEL AND FOR
10 THE CONSTRUCTION, REPAIR AND MAINTENANCE OF FIRE COMPANY HOUSES
11 AND FIRE TRAINING SCHOOLS OR CENTERS; TO ORDAIN RULES AND
12 REGULATIONS FOR THE GOVERNMENT OF SUCH FIRE COMPANIES AND THEIR
13 OFFICERS, AND TO REGULATE THE METHOD TO BE FOLLOWED IN THE
14 EXTINGUISHMENT OF FIRES.

15 XVII. FIRE HOUSES. TO PROVIDE AND MAINTAIN SUITABLE PLACES
16 FOR THE HOUSING OF ENGINES, HOSE CARTS, AND OTHER APPARATUS FOR
17 THE EXTINGUISHMENT OF FIRE OR FOR THE TRAINING OF FIRE PERSONNEL
18 AT FIRE TRAINING SCHOOLS OR CENTERS. NO SUCH BUILDING SHALL BE
19 ERECTED OR MAINTAINED WITHOUT OBTAINING THE ASSENT OF THE
20 ELECTORS THEREOF, EXPRESSED AT AN ELECTION TO BE HELD AT THE
21 PLACE, TIME, AND UNDER THE SAME REGULATIONS AS PROVIDED BY LAW
22 FOR THE HOLDING OF MUNICIPAL ELECTIONS.

23 * * *

24 LIV. JOINT CONTRACTS FOR POLICE AND FIRE PROTECTION. TO
25 ENTER INTO CONTRACTS WITH THE PROPER AUTHORITIES OF NEAR OR
26 ADJACENT CITIES, BOROUGHs AND TOWNSHIPS EITHER FOR MUTUAL AID OR
27 ASSISTANCE IN POLICE AND FIRE PROTECTION, OR FOR THE FURNISHING
28 TO OR RECEIVING FROM SUCH CITIES, BOROUGHs OR TOWNSHIPS AID AND
29 ASSISTANCE IN POLICE AND FIRE PROTECTION, AND TO MAKE
30 APPROPRIATIONS THEREFOR: PROVIDED, THAT IN CONNECTION WITH SUCH

1 CONTRACTS IT SHALL NOT BE NECESSARY TO RECEIVE BIDS OR REQUIRE
2 BONDS AS REQUIRED FOR OTHER CONTRACTS UNDER EXISTING LAW. THE
3 COMMISSIONERS MAY ANNUALLY APPROPRIATE FUNDS TO FIRE COMPANIES
4 LOCATED WITHIN THE TOWNSHIP FOR THE TRAINING OF ITS PERSONNEL,
5 AND TO LAWFULLY ORGANIZED OR INCORPORATED COUNTY OR REGIONAL
6 FIREMEN'S ASSOCIATIONS OR AN ENTITY CREATED PURSUANT TO THE ACT
7 OF JULY 12, 1972 (P.L.762, NO.180), REFERRED TO AS THE
8 INTERGOVERNMENTAL COOPERATION LAW, TO EQUIP, MAINTAIN AND
9 OPERATE FIRE TRAINING SCHOOLS OR CENTERS FOR THE PURPOSE OF
10 GIVING INSTRUCTION AND PRACTICAL TRAINING IN THE PREVENTION,
11 CONTROL AND FIGHTING OF FIRE AND RELATED FIRE DEPARTMENT
12 EMERGENCIES TO THE MEMBERS OF FIRE DEPARTMENTS AND VOLUNTEER
13 FIRE COMPANIES IN ANY CITY, BOROUGH, TOWN OR TOWNSHIP WITHIN
14 THIS COMMONWEALTH.

15 * * *

16 SECTION 2. SECTION 1709(A) OF THE ACT, AMENDED DECEMBER 17,
17 1990 (P.L.744, NO.186), IS AMENDED TO READ:

18 SECTION 1709. TAX LEVIES.--(A) THE BOARD OF TOWNSHIP
19 COMMISSIONERS MAY LEVY TAXES UPON ALL PROPERTY AND UPON ALL
20 OCCUPATIONS WITHIN THE TOWNSHIP MADE TAXABLE FOR TOWNSHIP
21 PURPOSES, AS ASCERTAINED BY THE VALUATION FOR COUNTY PURPOSES
22 MADE BY THE ASSESSORS OF THE SEVERAL COUNTIES OF THIS
23 COMMONWEALTH FOR THE YEAR FOR WHICH THE TOWNSHIP TAXES ARE
24 LEVIED, FOR THE PURPOSES AND AT THE RATE HEREINAFTER SPECIFIED:
25 PROVIDED, HOWEVER, THAT SUCH VALUATION SHALL BE SUBJECT TO
26 CORRECTION BY THE COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES,
27 AND TO APPEAL BY THE TAXABLE PERSONS IN ACCORDANCE WITH EXISTING
28 LAWS.

29 ONE. AN ANNUAL TAX FOR GENERAL TOWNSHIP PURPOSES, NOT
30 EXCEEDING THIRTY MILLS, UNLESS THE BOARD OF TOWNSHIP

1 COMMISSIONERS BY MAJORITY ACTION SHALL, UPON DUE CAUSE SHOWN BY
2 RESOLUTION, PETITION THE COURT OF [QUARTER SESSIONS] COMMON
3 PLEAS, IN WHICH CASE THE COURT MAY ORDER A RATE OF NOT MORE THAN
4 FIVE MILLS ADDITIONAL TO BE LEVIED: FURTHER PROVIDED, THAT IF,
5 AT THE HEARING BEFORE THE COURT OF [QUARTER SESSIONS] COMMON
6 PLEAS UPON SAID PETITION, OF WHICH NOTICE SHALL BE GIVEN AS THE
7 COURT MAY DIRECT, WHICH HEARING SHALL BE HELD NOT LESS THAN TEN
8 NOR MORE THAN FIFTEEN DAYS AFTER SAID PETITION SHALL BE
9 PRESENTED, THE OWNERS OF REAL ESTATE HAVING ASSESSED VALUATION
10 OF FIFTY PER CENTUM OF THE TOTAL ASSESSED VALUATION OF REAL
11 ESTATE IN SAID TOWNSHIP SHALL, BY PETITION, OBJECT TO THE MAKING
12 OF AN ORDER FOR ANY ADDITIONAL TAX LEVY, THE COURT SHALL
13 THEREUPON DENY THE PRAYER OF SAID PETITION.

14 TWO. AN ANNUAL TAX NOT EXCEEDING THREE MILLS FOR THE PURPOSE
15 OF BUILDING AND MAINTAINING SUITABLE PLACES FOR THE HOUSING OF
16 FIRE APPARATUS AND FOR THE PURPOSE OF PURCHASING, MAINTAINING
17 AND OPERATING FIRE APPARATUS [AND], FOR THE PURPOSES OF MAKING
18 OF APPROPRIATIONS TO FIRE COMPANIES WITHIN OR WITHOUT THE
19 TOWNSHIP AND OF CONTRACTING WITH ADJACENT MUNICIPALITIES OR
20 VOLUNTEER FIRE COMPANIES THEREIN FOR FIRE PROTECTION, FOR THE
21 TRAINING OF FIRE PERSONNEL AND FOR FIRE TRAINING SCHOOLS OR
22 CENTERS. IF AN ANNUAL TAX FOR THE PURPOSES SPECIFIED IN THIS
23 CLAUSE IS PROPOSED TO BE SET AT A LEVEL HIGHER THAN THREE MILLS
24 THE QUESTION SHALL BE SUBMITTED TO THE VOTERS OF THE TOWNSHIP,
25 AND THE COUNTY BOARD OF ELECTIONS SHALL FRAME THE QUESTION IN
26 ACCORDANCE WITH THE ELECTION LAWS OF THE COMMONWEALTH FOR
27 SUBMISSION TO THE VOTERS OF THE TOWNSHIP.

28 THREE. AN ANNUAL TAX, NOT EXCEEDING ONE-TENTH OF ONE MILL,
29 FOR THE PURPOSE OF CARING FOR TREES PLANTED UNDER THE
30 SUPERVISION OF THE SHADE-TREE COMMISSION, AND FOR THE PURPOSE OF

1 PUBLISHING NOTICES OF MEETINGS TO CONSIDER THE PLANTING,
2 REMOVING, OR CHANGING OF TREES. IN LIEU OF THE TAX PROVIDED FOR
3 IN THIS CLAUSE, THE TOWNSHIP COMMISSIONERS MAY, BY SPECIFIC
4 APPROPRIATION, PROVIDE FOR THE MAINTENANCE OF SUCH TREES FROM
5 THE GENERAL FUNDS OF THE TOWNSHIP.

6 FOUR. AN ANNUAL TAX SO LONG AS NECESSARY, FOR THE PURPOSE OF
7 PROCURING A LOT AND/OR ERECTING A BUILDING THEREON FOR A
8 TOWNHOUSE, AND FOR THE PAYMENT OF INDEBTEDNESS INCURRED IN
9 CONNECTION THEREWITH.

10 FIVE. AN ANNUAL TAX SUFFICIENT TO PAY INTEREST AND PRINCIPAL
11 ON ANY INDEBTEDNESS INCURRED PURSUANT TO THE ACT OF JULY 12,
12 1972 (P.L.781, NO.185), KNOWN AS THE "LOCAL GOVERNMENT UNIT DEBT
13 ACT," OR ANY PRIOR OR SUBSEQUENT ACT GOVERNING THE INCURRENCE OF
14 INDEBTEDNESS OF THE TOWNSHIP.

15 SIX. THE COMMISSIONERS OF THE TOWNSHIP SHALL HAVE THE POWER
16 TO LEVY AND COLLECT ANNUALLY ON THE VALUATION ASSESSED FOR
17 GENERAL TOWNSHIP PURPOSES AS NOW IS OR MAY BE PROVIDED BY LAW,
18 AN ADDITIONAL TAX NOT EXCEEDING ONE-HALF (1/2) MILL TO PROVIDE
19 FOR PENSIONS, RETIREMENT, OR THE PURCHASE OF ANNUITY CONTRACTS
20 FOR TOWNSHIP EMPLOYEES. THIS TAX SHALL BE KEPT IN A SEPARATE FUND
21 AND USED ONLY FOR THE PURPOSES HEREIN PROVIDED.

22 SEVEN. AN ANNUAL TAX NOT EXCEEDING ONE-HALF MILL FOR THE
23 PURPOSE OF SUPPORTING AMBULANCE AND RESCUE SQUADS SERVING THE
24 TOWNSHIP, EXCEPT AS PROVIDED IN SUBSECTION (C).

25 * * *

26 SECTION 3. SECTION 1802(D) OF THE ACT IS AMENDED BY ADDING A
27 CLAUSE TO READ:

28 Section 1802. General Regulations Concerning Contracts.--* *

29 *

30 (d) The contracts or purchases made by the commissioners

1 involving an expenditure of over ten thousand dollars, which
2 shall not require advertising or bidding, as hereinbefore
3 provided, are as follows:

4 * * *

5 (3.1) Those for used equipment, articles, apparatus,
6 appliances, vehicles or parts thereof being purchased from a
7 public utility.

8 * * *

9 Section ~~2~~ 4. This act shall take effect in 60 days.

<—