

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2045 Session of
1975

INTRODUCED BY DeMEDIO, RITTER, MEBUS AND WEIDNER,
DECEMBER 10, 1975

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 16, 1975

AN ACT

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

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ARTICLE I

6 Short Title; Definitions; Applicability

7 Section 101. Short Title.--This act shall be known and may
8 be cited as the "Municipal Boundary Change Act."

9 Section 102. Definitions.--The following words, terms and
10 phrases, when used in this act, shall have the meanings ascribed
11 to them in this section, except where the context clearly
12 indicates otherwise:

13 "Annexation." Any change in municipal boundaries resulting
14 from the transfer of territory, comprising part of any
15 municipality, to any other municipality.

16 "Annexed municipality." Any municipality from which
17 territory shall be proposed to be annexed or attached to an
18 annexing municipality, under Article II of this act. The annexed

1 municipality may be, but need not necessarily be, located in the
2 same county as the annexing municipality.

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

7 "Boundary Change Commission." The Boundary Change Commission
8 of the Commonwealth of Pennsylvania.

9 "Consolidated or merged municipality." Any municipal entity
10 resulting from successful consolidation or merger proceedings
11 under Article III of this act.

12 "Consolidation or merger." The combination of two or more
13 municipalities into one municipality.

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

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

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

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

29 "Election officials." The county boards of election, except
30 in Philadelphia where "election officials" means the city board

1 of elections.

2 "Existing municipality." A municipality from which territory
3 is proposed to be annexed.

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

7 "Municipality." Any county, city, borough, incorporated
8 town, township, home rule municipality or any general purpose
9 unit of government hereinafter created by the General Assembly.

10 Section 103. Interpretation.--(a) Nothing in this act shall
11 preclude, restrict or limit successive changes in boundaries and
12 territorial limits of any municipality that would affect any
13 specific territory.

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

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

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

18 Section 203. Powers and Duties of Boundary Change
19 Commission.--The powers and duties of the Boundary Change
20 Commission shall be:

21 (1) To make studies of proposed local boundary changes that
22 are referred to it by the governing bodies of municipalities, or
23 by a petition signed by at least 5% of the registered electors
24 of a municipality directly affected by the proposed study and
25 advise the municipalities thereon, or on its own initiative. The
26 governing body of any municipality may at any time request the
27 Boundary Change Commission of the Commonwealth to make a study
28 of any proposal for boundary change affecting the municipality.
29 Such request may also be made jointly by the governing bodies of
30 all the municipalities directly affected by such a proposal.

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

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

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

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

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

Section 204. Criteria for Granting Approval of Detachments of Territory.--(a) In determining whether a proposal detachment of territory requiring its approval shall receive such approval, the Boundary Change Commission shall consider, but shall not be limited to, the following:

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

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

(3) Service factors such as:

(i) The need for additional municipal services in the

1 territory proposed for detachment.

2 (ii) The ability and willingness of any detaching
3 municipality to provide municipal services to any affected
4 territory and the time period within which the residents of such
5 territory shall receive such services.

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

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

12 (5) The extent to which there are mutual community interests
13 in the territory proposed for annexation and in the annexing
14 municipality.

15 (b) If the only reason set forth in the annexation petition
16 is the demand or promise of extension of municipal services and
17 within a reasonable period of time as established by the
18 Boundary Change Commission the existing municipality provides
19 such services, then the Boundary Change Commission must deny the
20 petition for annexation.

21 Section 205. Findings of Effect of Detachment.--If the
22 Boundary Change Commission shall determine that a proposed
23 detachment shall seriously impair the ability of the remaining
24 portion of the municipality from which territory is proposed for
25 detachment to provide public services to its residents, the
26 commission shall take one of the following actions:

27 (1) Direct that there be no further action on the original
28 incorporation or annexation petition, and initiate a referendum
29 in the affected municipalities for incorporation or
30 consolidation of the entire area of the affected municipalities.

1 (2) Recommend approval of the original petition for
2 annexation or incorporation: Provided, That before passage of
3 the annexation ordinance or before submitting the question of
4 incorporation to the electors of the municipalities or parts of
5 municipalities affected, provisions shall be made for the
6 remaining portion of the municipality from which territory is
7 proposed to be detached to be either consolidated with or
8 annexed to another contiguous municipality.

9 (3) Disapprove the original petition for detachment.

10 Section 206. Boundary Change Commission Panels.--(a) All
11 proposed boundary changes shall be submitted to the Local
12 Government Commission. Notice of each proposal shall be
13 forwarded to the Chairman of the Boundary Change Commission, who
14 may then administratively assign the proposal to a panel
15 composed of not more than nine and not less than three members
16 of the Boundary Change Commission who are not residents of the
17 municipalities affected.

18 (b) The Boundary Change Commission panel so appointed or
19 commission as a whole will have the right to hold hearings,
20 conduct investigations, and solicit the advice of experts,
21 citizens, and officials involved. The panel will be entitled to
22 call such citizens as are available and to hear from those
23 persons within the panel's discretion.

24 (c) The members of the panel and commission shall be paid
25 \$50 per diem and other actual expenses incurred when actually
26 engaged in the performance of their duties.

27 (d) The Boundary Change Commission or panel may employ the
28 necessary administrative and clerical personnel or utilize
29 available existing personnel from the Department of Community
30 Affairs, the Local Government Commission, or staffs of the House

1 of Representatives, and Senate of Pennsylvania as they may be
2 available from those respective departments or agencies, for the
3 conduct of investigations, hearings, and determinations. The
4 salaried clerical persons who are loaned to the Boundary Change
5 Commission will not be paid additional compensation except for
6 actual expenses which are incurred while attending these
7 functions, in which case they will be reimbursed.

8 Section 207. Costs of Boundary Change Commission.--The cost
9 of the functions of the Boundary Change Commission in each
10 individual matter referred to it shall be equitably assessed by
11 the Boundary Change Commission which in turn shall, as soon as
12 it is assigned, meet with the municipal officials involved and
13 such other persons who may have been involved in the initiation
14 of the question, after which the Boundary Change Commission
15 shall determine and advise them as to the assessment of costs
16 that the municipalities will be expected to pay.

17 ARTICLE III

18 Annexation

19 Section 301. Procedure for Annexation.--Annexation of
20 contiguous territory may be accomplished by one of the following
21 methods as further provided in sections 302 through 310.

22 (1) petition to the Boundary Change Commission, approved by
23 the Boundary Change Commission and adoption of an ordinance by
24 the annexing municipality; or

25 (2) action of the governing bodies of the municipalities
26 affected; or

27 (3) initiative and referendum.

28 Section 302. Petition to the Boundary Change Commission.--

29 (a) An annexation may be initiated by presenting a petition to
30 the Boundary Change Commission, signed by electors comprising at

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

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

23 (c) The resolution of intent to annex shall include the
24 following information:

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

27 (2) A statement setting forth the plans of the municipality
28 for extending to the territory proposed for annexation the
29 municipal services performed within the annexing municipality at
30 the time of annexation. Specifically, such plans shall: (i)

1 conform to the standards of service as determined by the
2 Boundary Change Commission, (ii) provide for extending or
3 improving such services to the territory proposed for annexation
4 on the effective date of annexation on substantially the same
5 basis and in the same manner as such services are provided
6 within the rest of the annexing municipality prior to
7 annexation, (iii) provide for extension or improvement of such
8 services into the territory proposed for annexation, so that
9 when such services are extended or improved, persons in the
10 territory proposed for annexation will be able to secure such
11 services, according to the policies in effect in the annexing
12 municipality for extending such services to individual persons,
13 lots, or subdivisions, (iv) set forth a proposed timetable which
14 provides for the extension or improvement of such services as
15 soon as possible following the effective date of annexation, and
16 (v) set forth a method under which the annexing municipality
17 plans to finance extension or improvement of such services into
18 the territory proposed for annexation.

19 (3) A statement specifying a place or places within any
20 annexing municipality affected by the proposed annexation where
21 copies of the petition and the resolution of intent can be
22 examined by interested individuals and public officials for a
23 period of at least 30 days following submission of the petition
24 to the Boundary Change Commission.

25 Section 303. Notice of Annexation Proposal.--Within ten days
26 after receipt of the petition, the Boundary Change Commission
27 shall notify by certified mail the governing bodies of each
28 municipality affected, including the commissioners of each
29 county in which territory proposed for annexation is located.

30 Section 304. Study and Report of Petition for Annexation.--

1 The Boundary Change Commission shall make a study of the
2 petition for annexation and shall submit its recommendations,
3 within six months after receipt of the petition, to the
4 governing bodies of the municipalities affected, and the board
5 or boards of county commissioners of the territory affected by
6 the proposed annexation and by public notice in a newspaper of
7 general circulation in the affected area or areas that the
8 recommendations are available to any person on written request.
9 If the Boundary Change Commission approves the proposed
10 annexation, the annexing municipality may complete the
11 annexation by the passage of an ordinance.

12 Section 305. Annexation of Property of Annexing Municipality
13 or of Municipal Authority Created Solely Thereby.--Any
14 municipality may annex by ordinance any land contiguous thereto
15 and owned by such annexing municipality or by a municipal
16 authority created solely by such annexing municipality, and no
17 petition, from freeholders or residents of such annexed area,
18 shall be necessary to initiate such annexation.

19 Section 306. Transfer or Exchange of Territory by Agreement
20 of Adjacent Municipalities.--Whenever the governing bodies of
21 two adjacent municipalities shall agree that it is to the best
22 interest of each municipality and/or that the convenience of the
23 inhabitants thereof would best be served thereby, territory may
24 be transferred from one of such adjacent municipalities to the
25 other, or territory may be exchanged between such two adjacent
26 municipalities, upon enactment of an ordinance to that effect by
27 each of the two municipalities, and change in the boundaries and
28 territorial limits of the said municipalities shall be affected
29 thereby, and no petition from freeholders or residents shall be
30 necessary to initiate such transfer or exchange.

1 Section 307. Content of Ordinances.--Every ordinance
2 providing for annexation pursuant to this act, shall set forth a
3 description of the territory to be annexed, and shall contain or
4 have attached thereto a plot, showing the courses and distances
5 of the boundaries of the annexing municipality before and after
6 the proposed change in the boundaries or territorial limits
7 thereof.

8 Section 308. Responsibilities of Annexing Municipality
9 Following Annexation.--Within 30 days after final enactment of
10 any ordinance effecting an annexation, pursuant to this act, the
11 governing body of the annexing municipality shall perform all of
12 the following acts:

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

15 (2) File with the court of common pleas of the county a
16 certified copy of the ordinance by which such change was
17 effected, together with a plot, showing the courses and
18 distances of the boundaries of the annexing municipality before
19 and after such change, and clearly indicating the designation,
20 as mentioned in paragraph (1), by which the annexed area is to
21 be known. If the territory annexed and the annexing municipality
22 are located in different counties, such documents and
23 information shall be filed with the prothonotary of each of such
24 counties. Such change in boundaries shall take effect 30 days
25 after the date on which such documents are filed in the county
26 in which the annexing municipality or the larger portion of the
27 territory of the annexing municipality is located, unless (i)
28 such date is within 90 days prior to any general, municipal or
29 primary election, in which case such change shall take effect as
30 of the day following such election, and (ii) an appeal is taken

1 before the end of such 30 day period, in which case such appeal
2 shall act as a supersedeas, and such change shall take effect
3 immediately upon final determination and approval of such
4 ordinance by the court of common pleas.

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

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

19 Section 309. Appeals.--Within 30 days after the date of
20 filing, in the court of common pleas of the county in which the
21 annexing municipality, or the greater portion of the territory
22 of the annexing municipality is located, of any ordinance
23 effecting an annexation pursuant to this act, any freeholder of
24 the annexing municipality or of the municipality within which
25 the proposed territory to be annexed is located may appeal from
26 such ordinance which shall be the exclusive method of appeal.
27 Such appeal shall be taken by petition to the court of common
28 pleas of the county in which the annexing municipality is
29 located, and, in the case of any annexing municipality located
30 in more than one county, to the court of common pleas of the

1 county in which the greater portion of the territory of the
2 annexing municipality is located. Such appeal shall act as a
3 supersedeas. When any such appeal is taken, the court shall fix
4 a day for the same and shall give notice of such hearing to all
5 parties interested, in such manner as the court shall direct.
6 After such hearing, the court shall determine whether the
7 proceedings are in conformity with this act, and shall make an
8 order or decree dismissing the appeal and approving the
9 annexation or sustaining the appeal and dismissing the
10 annexation. From any such final order or decree, any party in
11 interest, aggrieved by such order or decree, may have an appeal
12 to Commonwealth Court. Upon final determination and approval of
13 the ordinance by the court of common pleas, or by Commonwealth
14 Court, such annexation shall take effect immediately.

15 Section 310. Annexation by Initiative and Referendum.--As an
16 alternative to annexation by the procedures set forth in the
17 preceding sections of this act, annexation by initiative and
18 referendum as governed by this section, may be effected in any
19 municipality, without the approval of any governing body and
20 without enactment of any ordinance therefor. Such referendum
21 shall be initiated by the filing with the county board of
22 elections of the county in which the territory proposed to be
23 annexed shall be located, on or before the 13th Tuesday before
24 the next primary, municipal or general election, of a petition
25 for referendum signed by electors comprising 5% of the number of
26 electors voting for the office of Governor in the last
27 gubernatorial general election in such municipality within which
28 the proposed territory to be annexed is located, or by the
29 filing with the county board of elections of the county in which
30 the annexing municipality, or the greater portion of the

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

29 Section 311. Distribution of Annexed Territory Among Wards;
30 New Wards; Ward Officers.--In the case of any annexing

1 municipality with a governing body not elected entirely at
2 large, the governing body of the annexing municipality, within
3 30 days after the effective date of the annexation, shall
4 petition the court of common pleas of the county in which the
5 annexed territory is located, praying for: the assignment of the
6 annexed territory to one or more designated wards of the
7 annexing municipality, or distribution of the annexed territory
8 among the wards of the annexing municipality, or the creation of
9 one or more new wards out of the annexed territory. The court
10 shall thereupon make the necessary decree which shall include
11 establishing or changing election districts to conform to new
12 ward lines and shall furnish a copy of it to each of the
13 following: the governing body of the annexing municipality; the
14 county board of elections of the county in which the annexing
15 municipality is located; and the county board of elections of
16 the county in which the annexed territory is located, the school
17 district in which the ward or wards are located, the Secretary
18 of the Commonwealth, the Secretary of Community Affairs and the
19 Legislative Reapportionment Commission.

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

1 Section 312. Adjustment of Indebtedness, Assets and
2 Liabilities, Following Annexation.--Following any annexation of
3 territory, the governing body of the annexing municipality and
4 the governing body of the municipality from which the territory
5 was annexed shall make a proper adjustment and apportionment
6 between the annexing municipality and the municipality from
7 which the territory was annexed of all indebtedness, assets and
8 liabilities of the annexed municipality at the time of the
9 annexation. The adjustment and apportionment shall provide that
10 the annexing municipality and the municipality from which the
11 territory was annexed, respectively, shall be entitled to share
12 in a division of the assets, liabilities and indebtedness in the
13 proportion that the assessed valuation, as determined by the
14 county board for the assessment and revision of taxes, of the
15 annexed portion of the municipality from which the territory was
16 annexed bears to the assessed valuation, as so determined, of
17 the entire municipality from which the territory was annexed
18 immediately prior to the annexation.

19 However, where indebtedness was incurred by the municipality
20 from which the territory was annexed for an improvement located
21 wholly within the limits of the territory annexed to the
22 annexing municipality, that indebtedness shall be assumed by the
23 annexing municipality and where any part of an improvement is
24 located within the limits of the annexed territory the part of
25 the indebtedness representing that part of the improvement shall
26 be assumed by the annexing municipality and the adjustment and
27 apportionment of any remaining indebtedness of the municipality
28 from which the territory was annexed shall be made as provided
29 in the first paragraph of this section.

30 The adjustment and apportionment of assets, liabilities and

1 indebtedness shall be reduced to writing, shall be executed and
2 acknowledged by the clerk or secretary of the annexing
3 municipality and shall be filed with the prothonotary of the
4 county or counties in which any municipality affected is
5 located; and a copy shall be filed with the Department of
6 Community Affairs.

7 Section 313. Judicial Adjustment on Failure or Agreement.--
8 In case the governing bodies of the municipalities affected
9 cannot, within six months after the annexation becomes
10 effective, arrive at the adjustment and apportionment of
11 indebtedness, assets and liabilities, as required by section 312
12 of this act, the governing body, a citizen, or a property owner
13 of any of the municipalities affected may appeal to the court of
14 common pleas of the county in which the annexing municipality,
15 or the greater portion of its territory, is located. The court
16 shall thereupon appoint three disinterested commissioners, all
17 of whom shall be residents and taxpayers of the county, but none
18 of whom may be a resident or an owner of real estate in the
19 municipalities affected. Those commissioners, after hearing,
20 notice of which shall be given to the municipalities affected as
21 directed by the court, shall proceed to make the apportionment
22 and adjustment, and shall report to the court, stating the
23 amount, if any, that shall be due and payable from one
24 municipality affected to another, as well as the amount of
25 indebtedness, if any, that shall be assumed by the municipality
26 there affected or both.

27 Section 314. Proceedings on Judicial Adjustment.--The
28 commissioners appointed under the terms of section 313 of this
29 act shall give the affected municipalities at least five days'
30 notice of the filing of their report. Unless exceptions to the

1 report are filed within 30 days after the date when it was
2 filed, the report shall be confirmed absolutely by the court.
3 Any sum awarded by the report to any municipality shall be a
4 legal and valid claim in its favor against the other
5 municipality. Any real or personal property awarded to any
6 municipality shall become its property. Any claim of
7 indebtedness charged against a municipality may be collected
8 from that municipality by its creditors.

9 Section 315. Exceptions to Report.--In case exceptions are
10 filed to the report of the commissioners appointed as provided
11 for in section 313, the court shall dispose of the same, taking
12 testimony thereon if deemed advisable. The court shall enter its
13 decree confirming the report of the commissioners, or modifying
14 the same as to it appears just and proper. The decision of the
15 court shall be final unless an appeal is taken to the
16 Commonwealth Court as in other cases.

17 Section 316. Compensation and Expenses of Commissioners;
18 Costs.--The commissioners provided for in section 313 shall be
19 allowed such compensation and expenses for their services as the
20 court shall fix. The costs of the proceedings, including the
21 compensation and expenses of the commissioners, shall be
22 apportioned among the municipalities involved as the court deems
23 proper and equitable.

24 Section 317. Where Annexing Municipality Located in Two or
25 More Counties.--In case the territory of an annexing
26 municipality is located in two or more counties, the court of
27 common pleas of the county in which the greater portion of the
28 territory of the annexing municipality is located shall have
29 exclusive jurisdiction over the proceedings to determine the
30 cost of certain improvements in the annexed territory and to

1 adjust and apportion the indebtedness among the municipalities
2 affected.

3 Section 318. Liquidation of Indebtedness.--The court shall
4 make all necessary orders for the collection by any municipality
5 affected, as the case may be, and payment by it to any other
6 municipality affected of its share of any indebtedness
7 apportioned to it. The order may direct that the municipality
8 against which the indebtedness was apportioned levy and collect
9 special taxes for one year or pay by annual installments over a
10 stated period of time, the amount needed to liquidate the
11 indebtedness.

12 If acceptable to the municipality to which money is owed the
13 other municipality shall have the power to issue and deliver to
14 the first municipality interest-bearing notes in liquidation of
15 the indebtedness.

16 Section 319. Collection of Taxes Levied Prior to
17 Annexation.--All taxes assessed and levied against property in
18 annexed territory prior to the effective date of the annexation
19 shall be paid to the municipality from which the territory has
20 been annexed, and the collection and enforcement thereof shall
21 be as though the annexation had not taken place.

22 Section 320. Authorized Expenditures.--Municipalities
23 initiating annexations under the provisions of this act are
24 authorized to make expenditures for surveys required to describe
25 the property under consideration, or for any other purpose
26 necessary to plan for the study and or annexation of territory
27 adjacent to the municipality.

28 Section 321. Crossing County Lines.--When the municipalities
29 affected are located in different counties, the county board of
30 elections and the court of common pleas in the county where the

1 annexing municipality is located shall furnish all information
2 relating to an annexation to their counterparts in the other
3 county or counties concerned.

4 Section 322. Election Districts and Officers.--All election
5 districts in the annexed territory shall remain as constituted
6 before the annexation except as provided in section 311 of this
7 act and shall become election districts of the annexing
8 municipality until changed in accordance with the act of June 3,
9 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
10 Code." All election district officers shall continue in office
11 until the expiration of their terms, unless the office is
12 vacated.

13 ARTICLE IV

14 Consolidation or Merger

15 Section 401. Procedure for Consolidation or Merger.--Any two
16 or more municipalities, situated in the same county or in two or
17 more different counties, may be consolidated or merged as
18 provided in this article into a single municipality, if each of
19 such municipalities shall be contiguous to at least one other of
20 such municipalities, and if together such municipalities would
21 form a consolidated or merged municipality that is territorially
22 compact. Consolidation or merger may be commenced by one of the
23 following methods as further provided in sections 402 through
24 405.

25 (1) by joint agreement of the governing bodies of the
26 municipalities proposed for consolidation or merger as approved
27 by ordinance; or

28 (2) by initiative; or

29 (3) by the Boundary Change Commission.

30 Section 402. Initiative of Consolidation or Merger

1 Proceedings by Joint Agreement of Governing Bodies.--The
2 governing bodies of all the municipalities proposed for
3 consolidation or merger shall enter into a joint agreement under
4 the official seal of each municipality for the consolidation or
5 merger thereof into one municipality. The joint agreement shall
6 set forth, (i) the names of the municipalities that are parties
7 to the agreement, (ii) the name and the territorial boundaries
8 of the municipality proposed for consolidation or merger, (iii)
9 the type and class of the new municipality, if the
10 municipalities entering into the agreement are of more than one
11 type or class, (iv) whether the municipality proposed to be
12 consolidated or merged is to be governed solely by the code and
13 other general laws applicable to the kind and class of the
14 consolidated municipality or whether it is to be governed by a
15 home rule charter or an optional plan of government previously
16 adopted by one of the consolidating or merging municipalities;
17 and (v) the number of wards, if any, into which the new
18 municipality is to be divided for the purpose of electing all or
19 some of the members of the municipal governing body.

20 The joint agreement shall also set forth those terms agreed
21 upon for (i) the disposition of the assets of each of the
22 municipalities that are parties thereto, (ii) the liquidation of
23 the indebtedness, and (iii) the responsibility for the
24 liabilities of each, either jointly, separately or in certain
25 defined proportions, by separate rates of taxation on all
26 property subject to taxation within the boundaries of each of
27 the constituent municipalities.

28 The joint agreement shall also set forth the governmental
29 organization of the new municipality in so far as it concerns
30 elected officers and shall contain a transitional plan and

1 schedule applicable to elected officers. The plan shall provide
2 for the termination of the elected officers of the constituent
3 municipalities and for the election of the first officers of the
4 new municipality so that, either immediately or following a
5 transitional period, election and tenure shall conform to those
6 in other municipalities of the same kind and class in the
7 Commonwealth with properly staggered terms where those are
8 required or desired.

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

15 Section 403. Initiation of Consolidation or Merger
16 Proceedings by Petition of Electors.--In order for consolidation
17 or merger proceedings to be initiated by petition of electors,
18 petitions containing signatures of at least 5% of the electors
19 in each municipality, respectively, voting for the office of
20 Governor in the last gubernatorial general election in each
21 municipality proposed to be involved in such consolidation or
22 merger shall be filed with the county board of elections of the
23 county in which such municipality, or the greater portion of the
24 territory thereof, is located. When the applicable election
25 officials find that the petition or petitions as submitted are
26 in proper order, they shall send copies of the initiative
27 petition or petitions without the signatures thereon to the
28 governing bodies of each of the municipalities affected by the
29 consolidation or merger and to the Boundary Change Commission.

30 Every such petition shall set forth (i) the name of the

1 municipality from which the signers of the petition were
2 obtained, (ii) the names of the municipalities proposed to be
3 involved in the consolidation or merger, (iii) the name of the
4 municipality proposed for consolidation or merger, (iv) the type
5 and class of the new municipality, if the municipalities to be
6 involved in the consolidation or merger are of more than one
7 type or class, (v) whether the municipality proposed for
8 consolidation or merger is to be governed solely by the code and
9 other general laws applicable to the kind and class of the
10 consolidated or merged municipality, or whether it is to be
11 governed by a home rule charter or an optional plan of
12 government previously adopted by one of the consolidated or
13 merged municipalities, and (vi) the number of wards, if any, the
14 new municipality is to be divided into for the purpose of
15 electing all or some of the members of the municipal governing
16 body.

17 Once the circulation of a petition has begun, the petition
18 shall be submitted to the county board of elections within 21
19 days. Failure to do so within that prescribed time limit will
20 invalidate such petition.

21 Section 404. Initiation of Consolidation or Merger
22 Proceedings by Petition to the Boundary Change Commission.--
23 Petitions may be submitted to the Boundary Change Commission,
24 each petition containing signatures of at least 5% of the
25 electors in each municipality, respectively, voting for the
26 office of Governor in the last gubernatorial general election in
27 such municipality, requesting consolidation or merger of two or
28 more municipalities into one municipality. Every such petition
29 shall set forth (i) the name of the municipality from which the
30 signers of the petition were obtained, (ii) the names of the

1 municipalities proposed to be involved in the consolidation or
2 merger, (iii) the name of the municipality proposed for
3 consolidation or merger, (iv) the type and class of the new
4 municipality, if the municipalities to be involved in the
5 consolidation or merger are of more than one type or class, (v)
6 whether municipality proposed for consolidation or merger is to
7 be governed solely by the code and other general laws applicable
8 to the kind and class of the consolidated or merged
9 municipality, or whether it is to be governed by a home rule
10 charter or an optional plan of government previously adopted by
11 one of the consolidated or merged municipalities, and (vi) the
12 number of wards, if any, the new municipality is to be divided
13 into for the purpose of electing some or all of the members of
14 the municipal governing body.

15 Once the circulation of a petition has begun, the petition
16 shall be submitted to the Boundary Change Commission within 21
17 days. Failure to do so within that prescribed time limit will
18 invalidate such petition. Presentation of a receipt indicating
19 that the petition was mailed by registered or certified mail on
20 or before the deadline date shall be evidence of timely filing.
21 Whenever such petitions shall have been received by the Boundary
22 Change Commission the Boundary Change Commission shall take all
23 necessary steps to place such referendum question before the
24 electors of all municipalities proposed to be so consolidated or
25 merged. Such steps may include: a study of the consolidation or
26 merger proposal; advising citizens and officials on any and all
27 matters pertaining thereto; and holding meetings or conferences
28 in any of the municipalities proposed to be consolidated or
29 merged: Provided, that all such studies, meetings and assistance
30 by the Boundary Change Commission shall be completed within six

1 months after receipt of the petitions received from
2 municipalities involved in a specific consolidation or merger
3 proposal, and such completion date shall be attested by the
4 Chairman of the Boundary Change Commission in a document to be
5 filed with the Secretary of the Commonwealth.

6 Section 405. Conduct of Referenda.--Following initiation of
7 proceedings for consolidation or merger by either of the three
8 procedures set out in the three preceding section of this act,
9 the question of such consolidation or merger shall be placed
10 before the electors of each of the municipalities proposed to be
11 so consolidated or merged into a single municipality. Such
12 referendum shall be held at the first primary, municipal or
13 general election held not less than the 13th Tuesday after:

14 (1) the date of the general agreement entered into under the
15 provisions of section 402; or

16 (2) the date of filing of the petition filed under the
17 provisions of section 403; or

18 (3) the date of completion of the work of the Boundary
19 Change Commission under the provisions of section 404. Such
20 consolidation or merger shall not be effected unless the
21 referendum question thereon shall be approved by a majority of
22 all the electors voting hereon in each of the municipalities in
23 which such referendum is held. If in any one of the
24 municipalities in which any such referendum shall be held, a
25 majority in favor of such consolidation or merger shall not
26 result, such consolidation or merger shall fail and such
27 consolidation or merger shall not take place. The question of
28 merger or consolidation described in the merger or consolidation
29 proposal shall not be voted on again for a period of five years;
30 or

1 (4) if the electors of two or more contiguous municipalities
2 proposed for consolidation or merger shall approve the
3 consolidation or merger, but one or more of the municipalities
4 shall fail to approve, the Boundary Change Commission may make a
5 study of the feasibility of consolidation or merger of those
6 municipalities approving the proposal, and in its discretion may
7 initiate a local referendum for the consolidation or merger of
8 such municipalities at the next primary, municipal or general
9 election but not less than the 13th Tuesday after the Boundary
10 Change Commission has submitted its study to the local governing
11 bodies of the municipalities involved.

12 Section 406. Consolidation or Merger Agreement.--Upon
13 favorable action by the electorate on consolidation or merger,
14 in cases where consolidation or merger was initiated otherwise
15 than by joint agreement of municipal governing bodies under
16 section 402, the governing bodies of all municipalities to be
17 consolidated or merged into a single new municipality shall meet
18 within 60 days after the certification of the favorable vote and
19 shall thereupon make a consolidation or merger agreement, as
20 follows:

21 (1) In case the governing body, or part of the governing
22 body, of the consolidated or merged municipality is to be
23 elected on a ward basis, the agreement shall set forth the
24 boundaries and the ward designation, by number, of each ward,
25 and the number of members of the municipal governing body to be
26 elected from each ward.

27 (2) The agreement shall set forth those terms agreed upon
28 for: the disposition of the assets of each of the municipalities
29 that are parties to the agreement; and the liquidation of the
30 indebtedness and the responsibility for the liabilities of each,

1 either jointly, separately or in certain defined proportions, by
2 separate rates of taxation on all property subject to taxation
3 within the boundaries of each of the municipalities involved.

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

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

21 A copy of the consolidation or merger agreement shall be
22 filed with the Boundary Change Commission, the Department of
23 Community Affairs, the Department of Transportation, the State
24 Planning Board, the Local Government Commission, the Department
25 of Education, State Tax Equalization Board, the Legislative
26 Reapportionment Commission, the court of common pleas and the
27 board of county commissioners of the county or counties in which
28 municipalities affected are located.

29 Section 407. Effectuation of Consolidation or Merger.--The
30 municipalities so consolidated or merged shall continue to be

1 governed as before consolidation or merger until the first
2 Monday of January following the municipal election next
3 succeeding the election at which consolidation or merger
4 referenda were held. At that municipal election, the necessary
5 officers of the consolidated municipality shall be elected in
6 accordance with the terms of the general law affecting
7 municipalities of the kind or class of the consolidated or
8 merged municipality, or, in case of a consolidated or merged
9 municipality operating under a home rule charter or optional
10 plan of government, in accordance with the charter or optional
11 plan or with general law affecting home rule or optional plan
12 municipalities, as applicable. The officers elected at that
13 municipal election shall be elected for terms of office under
14 the plan and schedule set out in the consolidation or merger
15 agreement authorized by section 402 or 406, as the case may be.
16 They shall take office as officers of the merged municipality on
17 the first Monday of January following the municipal election at
18 which they were elected, and, thereupon, the consolidated or
19 merged municipality shall begin to function and the former
20 municipalities so consolidated or merged shall be abolished.

21 Section 408. Effect of Transition on Employees of the
22 Consolidated or Merged Municipality.--As of the date when a
23 consolidated or merged municipality shall begin to function, all
24 appointive offices and positions then existing in all former
25 municipalities involved in such consolidation or merger shall be
26 disposed of in accordance with the terms of the consolidation or
27 merger agreement, except for officers and employees at such time
28 protected by any tenure of office or civil service provision.
29 Provisions shall be made for instances in which there is
30 duplication of positions, included but not limited to chief of

1 police or manager and to such other matters as varying length of
2 employee contracts, different civil service regulations in the
3 constituent municipalities, and differing ranks and position
4 classifications for similar positions.

5 Section 409. Effect of Consolidation or Merger.--(a) Except
6 for ordinances of which the provisions by their very nature
7 could not be carried out after consolidation or merger, the
8 ordinances in force in each of the constituent municipalities at
9 the time of the consolidation or merger shall continue in force
10 throughout the territory for which they were originally enacted
11 until replaced or repealed by the governing body of the
12 consolidated or merged municipality but subject to any common
13 administrative and enforcement arrangements contained in the
14 consolidation agreement. After consolidation or merger becomes
15 effective, a new ordinance book shall be used by the
16 municipality and the first document to be recorded in it shall
17 be the consolidation agreement. No later than two years after
18 consolidation or merger goes into effect, codification of all
19 the ordinances of the constituent municipalities shall be
20 completed. This shall include: new provisions uniform throughout
21 the new municipality when needed; repeal of obsolete material;
22 and tabulation or indexing of those ordinances of the
23 constituent municipalities that are of permanent effect.

24 (b) All rights, privileges and franchises of each of the
25 constituent municipalities and all property, real, personal and
26 mixed belonging to each of those municipalities shall be vested
27 in the consolidated or merged municipality. The title to real
28 estate vested in any of those municipalities shall not revert or
29 be in any way impaired by reason of the consolidation or merger.
30 All rights of creditors and liens shall be preserved; all

1 agreements and contracts shall remain in force; and all debts,
2 liabilities and duties of each of the municipalities shall be
3 attached to the consolidated or merged municipality and may be
4 enforced against it.

5 ARTICLE V

6 Incorporation

7 Section 501. Procedure for Incorporation.--A new
8 municipality may be incorporated by initiative and referendum
9 from contiguous territory of all or part of an existing
10 municipality or municipalities. Incorporation proposals which
11 include a part of a municipality shall receive the approval of
12 the Boundary Change Commission before they are submitted for
13 referendum.

14 Section 502. Petition for Incorporation.--The petition for
15 incorporation of a municipality shall be submitted to the
16 Boundary Change Commission and shall be signed by electors
17 comprising at least 5% of the elections in each municipality,
18 respectively, voting for the office of Governor in the last
19 gubernatorial general election within each municipality proposed
20 for incorporation, or the petition or petitions shall be signed
21 by the freeholders in each municipality or part thereof who
22 represent at least 50% of the assessed valuation of real
23 property within each municipality or part thereof proposed for
24 incorporation, as certified by the board or boards of county
25 commissioners. A majority in interest of owners of undivided
26 interests in any piece of property shall be deemed and treated
27 as one person for the purpose of ascertaining the number of
28 freeholders. Once the circulation of a petition has begun, the
29 petition shall be submitted to the Boundary Change Commission
30 within 21 days. Failure to do so within that prescribed time

1 limit will invalidate such petition. Presentation of a receipt
2 indicating that the petition was mailed by registered or
3 certified mail on or before the deadline date shall be evidence
4 of timely filing.

5 Section 503. Incorporation Petition.--The petition for
6 incorporation to the Boundary Change Commission shall be in such
7 form and shall contain such information as the commission may
8 require.

9 Section 504. Study and Report of Petition for
10 Incorporation.--The Boundary Change Commission shall make a
11 study of the petition for incorporation and shall submit its
12 recommendations, within six months after receipt of the
13 petition, to the person in each municipality who submitted the
14 petition, to the governing bodies of the municipalities
15 affected, and to the board or boards of county commissioners of
16 the territory affected by the proposed incorporation.

17 Section 505. Incorporation Election.--The Boundary Change
18 Commission shall cause a question relating to the proposed
19 incorporation to be submitted to the electorate of the territory
20 proposed for incorporation; however, the Boundary Change
21 Commission shall not cause to be submitted for referendum any
22 incorporation proposal affecting less than an entire
23 municipality unless the proposal has been approved by the
24 commission. Such election shall be held at the next primary,
25 municipal or general election not less than the 13th Tuesday
26 after the Boundary Change Commission has requested the
27 appropriate county board or boards of election to place the
28 question on the ballot. The election shall be conducted under
29 the provisions of the act of June 3, 1937 (P.L.1333, No.320),
30 known as the "Pennsylvania Election Code." In case a referendum

1 on incorporation of territory not constituting an entire
2 existing municipality or one or more entire existing wards, the
3 county board of elections shall prescribe the procedure to be
4 followed. If a majority of the electors voting on such question
5 in each of the municipalities affected shall vote in favor of
6 such incorporation or, in any case where a proposal affecting
7 less than an entire municipality has been approved by the
8 Boundary Change Commission, if a majority of the electors voting
9 upon such question in the territory proposed for incorporation
10 shall vote in favor of such incorporation, it shall be deemed
11 final.

12 Certification of the vote favorable to incorporate shall be
13 made by the county board of elections to the governing bodies of
14 the municipalities affected, to the appropriate board or boards
15 of county commissioners and to the Boundary Change Commission.

16 If the incorporation proposal includes either all or part of
17 two or more municipalities and if a majority of the persons
18 voting on such question in any one of the municipalities
19 affected shall vote against such incorporation, then the
20 incorporation proceedings shall fail. If the referendum on
21 incorporation proceedings shall fail, the question of
22 incorporation of territory described in the incorporation
23 proposal shall not be voted on again for a period of five years.

24 Section 506. Effectuation of Incorporation.--(a)
25 Incorporation shall become effective on the 1st Tuesday after
26 the 1st Monday in January following the next succeeding
27 municipal election or special election held in conjunction with
28 any primary, general or municipal election at which local
29 officials of the new municipality shall be elected. At the
30 request of the petitioners, the special election may be called

1 for by the court of common pleas who shall then fix the time,
2 place, and manner of holding the special election which shall be
3 in conjunction with any primary, general or municipal election.

4 (b) Municipal officers chosen at a special election shall
5 serve until the 1st Tuesday after the 1st Monday in January
6 following the next succeeding municipal election at which time
7 their successors shall be elected in accordance with the laws
8 covering the election of municipal officials of the type and
9 class of municipality to which the new incorporated municipality
10 belongs.

11 (c) The municipal election at which said officials are to be
12 elected shall be held in accordance with the laws governing
13 municipal officials of the type and class of municipality to
14 which the new municipality belongs. The election of municipal
15 officials shall be such as to provide for staggering terms of
16 office as closely in compliance as possible with the governing
17 municipal code.

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

23 (e) When the newly incorporated municipality shall go into
24 effect, the former municipality or municipalities shall cease to
25 exist in every case in which the entire territory of a
26 municipality or municipalities has been included in the newly
27 incorporated municipality.

28 Section 507. Assets, Liabilities and Indebtedness Where
29 Entire Municipality Incorporated as New Municipality.--Where an
30 entire municipality shall be incorporated as a new municipality,

1 all assets of the former municipality shall become assets of and
2 property of the new municipality, all indebtedness of the old
3 municipality shall be assumed by the new municipality, and all
4 liabilities of the old municipality shall become liabilities of
5 the new municipality.

6 Section 508. Adjustment of Assets, Liabilities and
7 Indebtedness Where Part of Municipality is Incorporated as New
8 Municipality.--Following any incorporation of part of the
9 territory of a municipality as a new municipality, the governing
10 body of the newly incorporated municipality and the governing
11 body of the municipality from which territory was incorporated
12 shall make a proper adjustment and apportionment between the two
13 municipalities of all indebtedness, assets and liabilities of
14 the municipality from which territory was incorporated, as of
15 the time of incorporation. The adjustment and apportionment
16 shall provide that both the new municipality and the original
17 municipality shall be entitled to share in a division of the
18 assets, liabilities and indebtedness in the proportion that the
19 assessed valuation of the new municipality, as determined by the
20 county board for the assessment and revision of taxes, bears to
21 the assessed valuation, as so determined, of the original
22 municipality immediately prior to the annexation.

23 However, where indebtedness was incurred by the municipality
24 from which the new municipality was incorporated for an
25 improvement located wholly within the newly incorporated
26 municipality, that indebtedness shall be assumed by the newly
27 incorporated municipality, and where any part of an improvement
28 is located within the limits of the newly incorporated
29 municipality, the part of the indebtedness representing that
30 part of the improvement shall be assumed by the newly

1 incorporated municipality, and apportionment of any remaining
2 indebtedness of the original municipality shall be made as
3 provided in the first paragraph of this section.

4 The adjustment and apportionment of the assets, liabilities
5 and indebtedness shall be reduced to writing, shall be executed
6 and acknowledged by the clerk or secretary of the newly
7 incorporated municipality and shall be filed with the
8 prothonotary of the county or counties in which the two
9 municipalities are located; and copies shall be filed with the
10 Department of Community Affairs, the Department of
11 Transportation, the Local Government Commission, the Boundary
12 Change Commission, the Pennsylvania Department of Education, the
13 State Tax Equalization Board, the Pennsylvania Legislative
14 Reapportionment Commission, and the boards of county
15 commissioners of the counties in which the two municipalities
16 are located.

17 Section 509. Judicial Adjustment on Failure of Agreement.--
18 In case the governing bodies of the newly incorporated
19 municipality and the municipality from which territory was
20 incorporated cannot, within six months after the incorporation
21 becomes effective, arrive at the adjustment and apportionment of
22 the indebtedness, assets and liabilities, as required by section
23 507, the governing body, a citizen, or a property owner of any
24 of the municipalities affected may appeal to the court of common
25 pleas of the county in which the municipality from which
26 territory was incorporated, or the greater portion of the area
27 of that municipality, is located. The court shall thereupon
28 appoint three disinterested commissioners, all of whom shall be
29 residents and taxpayers of the county, but none of whom may be a
30 resident or an owner of real estate in either the newly

1 incorporated municipality or the municipality from the territory
2 of which that municipality was incorporated. Those
3 commissioners, after hearing, notice of which shall be given to
4 both interested municipalities as directed by the court, shall
5 proceed to make the apportionment and adjustment, and shall
6 report to the court stating the amount, if any, that shall be
7 due and payable from the newly incorporated municipality to the
8 municipality from which it was incorporated or from the
9 municipality from which the new municipality was incorporated,
10 as well as the amount of indebtedness, if any, that shall be
11 assumed by the newly incorporated municipality, or the
12 municipality from which it was incorporated, or both of them.

13 Section 510. Proceedings on Judicial Adjustment.--(a) The
14 commissioners shall give the incorporating municipality and the
15 municipality from which territory was incorporated at least 15
16 days' notice of the filing of their report. Unless exceptions to
17 the report are filed, the report shall be confirmed absolutely
18 by the court. Any sum awarded by the court to the incorporating
19 municipality or to the municipality from which territory has
20 been incorporated shall be a legal and valid claim in its favor
21 against the municipality charged therewith. Any property, real
22 or personal, given to the incorporating municipality or to the
23 municipality from which territory has been incorporated shall
24 become its property. Any claim or indebtedness charged against
25 the incorporating municipality or the municipality from which
26 territory has been incorporated shall be paid within one year
27 from the date of confirmation absolute.

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

1 Section 511. Compensation and Expenses of Commissioners;
2 Costs.--The commissioners provided for in section 509 shall be
3 allowed such compensation and expenses for their services as the
4 court shall fix. Such compensation and expenses shall be paid to
5 the commissioners for days on which they are actually engaged in
6 the performance of their duties. The costs of the proceedings,
7 including the compensation and expenses of the commissioners,
8 shall be apportioned between the newly incorporated municipality
9 and the municipality from which territory has been incorporated
10 as it deems proper and equitable.

11 Section 512. Where Incorporating Municipality is Located in
12 Two or More Counties.--If the territory of the new incorporated
13 municipality is located in two or more counties, the court of
14 common pleas of the county in which the greater portion of the
15 territory of the new incorporated municipality is located shall
16 have exclusive jurisdiction over the proceedings to determine
17 the cost of certain improvements in the territory incorporated
18 and to adjust and apportion the indebtedness between the
19 incorporating municipality and the municipality from which
20 territory has been incorporated.

21 Section 513. Liquidation of Indebtedness.--The court may
22 make all necessary orders for the collection by the newly
23 incorporated municipality or by the municipality from which
24 territory was incorporated, as the case may be, and payment by
25 it to the other municipality, of its share of any indebtedness
26 apportioned to it. The order may direct that the municipality
27 against which the indebtedness was apportioned levy and collect
28 special taxes for one year, or pay by annual installments over a
29 stated period of time, the amount needed to liquidate the
30 indebtedness.

1 If acceptable to the municipality to which money is owned,
2 the other municipality shall have the power to issue and deliver
3 to the first municipality interest-bearing bonds in liquidation
4 of the indebtedness.

5 Section 514. Collection of Taxes Levied Prior to
6 Incorporation.--All taxes levied against property in the
7 territory incorporated prior to the effective date of the
8 incorporation shall be paid to the municipality from which
9 territory has been incorporated and the collection and
10 enforcement thereof shall be as though the incorporation had not
11 taken place.

12 Section 515. Crossing County Lines.--Where the newly
13 incorporated municipality is located in more than one county,
14 the county board of elections and the court of common pleas in
15 the county in which the greater part of the territory of the
16 newly incorporated municipality is located shall furnish
17 official information relating to the incorporation to their
18 counterparts in the other county or counties concerned.

19 Section 516. Election Districts and Officers.--Except for
20 any temporary arrangements for the purpose of a referendum under
21 section 505, all election districts in the new incorporated
22 territory shall remain as constituted before the incorporation,
23 and shall become election districts of the incorporating
24 municipality until changed in accordance with the act of June 3,
25 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
26 Code." All election district officers shall continue in office
27 until the expiration of their terms, unless the office is
28 vacated.

29 ARTICLE VI

30 Repeals and Effective Date

Section 601. Repeals.--(a) The following acts and parts of acts are repealed:

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

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

(3) The act of February 7, 1906 (P.L.7, No.1), entitled "An act to enable cities that are now, or may hereafter be, contiguous or in close proximity, to be united, with any intervening land other than boroughs, in one municipality; providing for the consequences of such consolidation, the temporary government of the consolidated city, payment of the indebtedness of each of the united territories, and the enforcement of debts and claims due to or from each."

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

(5) The act of June 1, 1907 (P.L.377, No.271), entitled "A

1 supplement to an act, approved April twenty-eighth, one thousand
2 nine hundred three, entitled 'An act for the annexation of any
3 city, borough, township, or part of a township, to a contiguous
4 city, and providing for the indebtedness of the same,' providing
5 for the preservation of rights of creditors and of liens, and
6 for funding the debt of the municipality or school district
7 annexed."

8 (6) The act of May 6, 1915 (P.L.260, No.152), entitled "A
9 supplement to an act approved the seventh day of February, one
10 thousand nine hundred and six, entitled 'An act to enable cities
11 that are now or may hereafter be contiguous or in close
12 proximity, to be united with any intervening land, other than
13 boroughs, in one municipality; providing for the consequences of
14 such consolidation, the temporary government of the consolidated
15 city, payment of the indebtedness of each of the united
16 territories, and the enforcement of debts and claims due to or
17 from each,' by providing that the indebtedness of each city and
18 intervening land, heretofore or hereafter united or consolidated
19 under the provisions of said act, shall be paid by the
20 consolidated city, and for the levying of a uniform tax, upon
21 all the territory included within the consolidated city, for the
22 payment of the same."

23 (7) The act of May 6, 1915 (P.L.272, No.167), entitled "A
24 supplement to an act, approved the twenty-eighth day of April,
25 one thousand nine hundred and three, entitled 'An act for the
26 annexation of any city, borough, township, or part of a
27 township, to a contiguous city, and providing for the
28 indebtedness of the same,' by providing that any city,
29 heretofore or hereafter enlarged by any annexation under the
30 terms of said act, shall be liable for and shall pay the

1 indebtedness of such city and the territory so annexed; and
2 providing for the levying of a uniform tax upon all the
3 territory included within such city as enlarged by such
4 annexation, for the payment of all such indebtedness."

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

10 (9) The act of May 12, 1925 (P.L.596, No.320), entitled "An
11 act providing for the alteration of the boundaries of counties
12 in certain cases for the adjustment of the indebtedness thereof;
13 providing the effect thereof."

14 (10) Sections 201, 202, 203, 204, 205, 206, 207, 208, 209,
15 210, 211, 250, 251, 252, 253, 254, 255, 501, 502, 503, 504, 505,
16 506, 515, 516, 517, 518, 525, 526, 535, 536, 540, 541, 542, 543,
17 544, 545, 550, 551, 560, 561, 562, 570 and 580, act of June 23,
18 1931 (P.L.932, No.317), known as "The Third Class City Code,"
19 reenacted and amended June 28, 1951 (P.L.662, No.164).

20 (11) Sections 210, 211, 212, 213, 214, 216, 217, 218 and
21 219, act of June 24, 1931 (P.L.1206, No.331), known as "The
22 First Class Township Code," reenacted and amended May 27, 1949
23 (P.L.1955, No.569).

24 (12) Sections 205, 206, 207, 208, 209, 210, 211, 211.1, 212,
25 213, 214 and 215, act of May 1, 1933 (P.L.103, No.69), known as
26 "The Second Class Township Code," reenacted and amended July 10,
27 1947 (P.L.1481, No.567).

28 (13) Clause (c) of section 2 and all of section 3, act of
29 May 29, 1935 (P.L.244, No.102), entitled "An act creating a
30 Local Government Commission to study and report on functions of

1 local government; their allocation and elimination; the cost of
2 local government and means of reducing it; and the consolidation
3 of local government; and making an appropriation."

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

8 (15) The act of July 2, 1937 (P.L.2803, No.588), entitled
9 "An act providing a method of annexation of townships of the
10 first class, and parts thereof, to cities and boroughs, and
11 regulating the proceedings pertaining thereto," sections 1
12 through 9 reenacted and amended May 9, 1951 (P.L.225, No.34).

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

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

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

26 (b) All other acts and parts of acts are repealed in so far
27 as they are inconsistent herewith.

28 Section 602. Application to Procedures Previously
29 Initialed.--Where initiative and referendum proceedings under
30 the second paragraph of section 8 of Article IX of the

1 Constitution were commenced in any municipality before the
2 effective date of this act, those proceedings may continue just
3 as if this act had not been passed. In so far as this act sets
4 forth procedures, conditions and requirements applicable
5 following a referendum on the question of consolidation, merger
6 or boundary change, this act shall apply in any municipality
7 where those referendum proceedings had been commenced or where
8 the electors had voted in the affirmative or in the negative in
9 any such referendum before the effective date of this act.

10 Section 603. Effective Date.--This act shall take effect
11 immediately.