

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1177 Session of
1979

INTRODUCED BY MESSRS. DeVERTER, WEIDNER, LETTERMAN, LIVENGOD,
J. L. WRIGHT, JR., NOYE, SIEMINSKI, MRS. TAYLOR, MESSRS.
PRATT, D. R. WRIGHT AND THOMAS, MAY 2, 1979

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, FEBRUARY 5, 1980

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," AUTHORIZING TOWNSHIPS OF THE SECOND CLASS TO GRANT <—
5 CABLE TELEVISION FRANCHISES AND PROVIDING FOR PERMITS FOR
6 CABLE TELEVISION LINES AND authorizing townships to use the
7 provisions of the Local Government Unit Debt Act for
8 financing construction of sewers and drains.

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

11 SECTION 1. SECTION 702, ACT OF MAY 1, 1933 (P.L.103, NO.69), <—
12 KNOWN AS "THE SECOND CLASS TOWNSHIP CODE," REENACTED AND AMENDED
13 JULY 10, 1947 (P.L.1481, NO.567), IS AMENDED BY ADDING A CLAUSE
14 TO READ:

15 SECTION 702. SUPERVISORS TO EXERCISE POWERS.--THE CORPORATE
16 POWERS OF TOWNSHIPS OF THE SECOND CLASS SHALL BE EXERCISED BY
17 THE TOWNSHIP SUPERVISORS. WHERE NO SPECIFIC AUTHORITY IS GIVEN
18 FOR THE EXPENDITURES INCIDENT TO THE EXERCISE OF ANY POWER
19 HEREINAFTER CONFERRED, OR WHERE NO SPECIFIC FUND IS DESIGNATED
20 FROM WHICH SUCH EXPENDITURES SHALL BE MADE, APPROPRIATIONS FOR

1 SUCH EXPENDITURES SHALL BE MADE ONLY FROM THE GENERAL TOWNSHIP
2 FUND. IN ADDITION TO THE DUTIES IMPOSED UPON THEM BY SECTION 516
3 HEREOF, THEY SHALL HAVE POWER--

4 * * *

5 LXXIII. REGULATION OF CABLE TELEVISION SYSTEMS.--TO REGULATE
6 BY RESOLUTION OR ORDINANCE CABLE TELEVISION SYSTEMS; AND TO
7 GRANT AND REVOKE A FRANCHISE FOR A CABLE TELEVISION SYSTEM; AND
8 TO PROHIBIT THE OPERATION OF A CABLE TELEVISION SYSTEM EXCEPT IN
9 ACCORDANCE WITH THE CONDITIONS OF SUCH FRANCHISE.

10 SECTION 2. SECTION 1156 OF THE ACT, AMENDED MARCH 1, 1974
11 (P.L.88, NO.23), IS AMENDED TO READ:

12 SECTION 1156. PERMITS.--NO RAILROAD OR STREET RAILWAY SHALL
13 HEREAFTER BE CONSTRUCTED UPON ANY TOWNSHIP ROAD, NOR SHALL ANY
14 RAILROAD OR STREET RAILWAY CROSSINGS, NOR ANY GAS PIPE, WATER
15 PIPE, ELECTRIC CONDUITS, OR OTHER PIPING, BE LAID UPON OR IN,
16 NOR SHALL ANY TELEPHONE, TELEGRAPH, OR ELECTRIC LIGHT OR POWER
17 POLES, CABLE TELEVISION LINES, POLES AND APPURTENANT STRUCTURES
18 OR ANY COAL TIPPLES OR ANY OTHER OBSTRUCTIONS BE ERECTED UPON OR
19 IN, ANY PORTION OF A TOWNSHIP ROAD EXCEPT UNDER SUCH CONDITIONS,
20 RESTRICTIONS AND REGULATIONS RELATING TO THE INSTALLATION AND
21 MAINTENANCE THEREOF, AS MAY BE PRESCRIBED IN PERMITS GRANTED BY
22 THE TOWNSHIP FOR SUCH PURPOSE. EACH APPLICATION SHALL BE
23 SUBMITTED TO THE TOWNSHIP, IN DUPLICATE, OR SUCH LARGER NUMBER
24 AS THE TOWNSHIP MAY REQUIRE. THE TOWNSHIP SHALL PRESCRIBE A FEE
25 AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION PAYABLE TO THE
26 TOWNSHIP NOT EXCEEDING THE APPROXIMATE REASONABLE COST OF
27 PROCESSING THE APPLICATION, AND ANOTHER FEE PAYABLE TO THE
28 TOWNSHIP NOT EXCEEDING THE APPROXIMATE REASONABLE COST OF MAKING
29 THE FIRST INSPECTION HEREAFTER DESCRIBED. EACH APPLICATION SHALL
30 BE ACCOMPANIED BY BOTH FEES. WHEN THE TOWNSHIP SHALL GRANT THE

1 PERMIT APPLIED FOR, THE TOWNSHIP SUPERVISORS SHALL INSPECT THE
2 WORK AUTHORIZED BY THE PERMIT UPON THE COMPLETION THEREOF, AND
3 WHEN NECESSARY, ENFORCE COMPLIANCE WITH THE CONDITIONS,
4 RESTRICTIONS AND REGULATIONS PRESCRIBED BY THE TOWNSHIP. IN
5 ADDITION TO SUCH INSPECTION, THE TOWNSHIP SUPERVISORS MAY
6 REINSPECT THE WORK NOT MORE THAN TWO YEARS AFTER ITS COMPLETION,
7 AND IF ANY SETTLEMENT OF THE ROAD SURFACE OR OTHER DEFECT SHALL
8 APPEAR IN THE WORK CONTRARY TO THE CONDITIONS, RESTRICTIONS AND
9 REGULATIONS OF THE TOWNSHIP, IT MAY ENFORCE COMPLIANCE
10 THEREWITH. IF THE APPLICANT SHALL FAIL TO RECTIFY ANY SUCH
11 SETTLEMENT OR OTHER DEFECT, WITHIN SIXTY DAYS AFTER WRITTEN
12 NOTICE FROM THE TOWNSHIP SUPERVISORS TO DO SO, THE TOWNSHIP
13 SUPERVISORS MAY DO THE WORK AND IMPOSE UPON THE APPLICANT THE
14 COST THEREOF, TOGETHER WITH AN ADDITIONAL TWENTY PERCENTUM (20%)
15 OF SUCH COST, WHICH MAY BE RECOVERED BY AN ACTION IN ASSUMPSIT
16 IN THE COURT OF COMMON PLEAS OF THE COUNTY. ALL FEES RECEIVED BY
17 THE TOWNSHIP SHALL BE PAID INTO THE TOWNSHIP TREASURY. NOTHING
18 IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A PERMIT IN
19 ADVANCE FOR EMERGENCY REPAIRS NECESSARY FOR THE SAFETY OF THE
20 PUBLIC OR THE RESTORATION OR CONTINUANCE OF PUBLIC UTILITY OR
21 OTHER PUBLIC SERVICE, BUT APPLICATION FOR SUCH PERMIT AND THE
22 FEES SHALL BE SUBMITTED AS HEREIN PRESCRIBED WITHIN FIVE DAYS
23 AFTER COMPLETION OF THE WORK, AND THEREAFTER THE REMAINING
24 PROVISIONS OF THIS SECTION SHALL APPLY. FURTHER, NOTHING IN THIS
25 SECTION SHALL BE CONSTRUED TO AUTHORIZE OR EMPOWER A TOWNSHIP TO
26 REGULATE OR CONTROL THE OPERATIONS OF ANY PERMITTEE, EXCEPT AS
27 PROVIDED FOR IN THIS SECTION.

28 Section ~~1-~~ 3. Section 1507, ~~act of May 1, 1933 (P.L.103,~~ <—
29 ~~No.69), known as "The Second Class Township Code," reenacted and~~
30 ~~amended July 10, 1947 (P.L.1481, No.567) and~~ OF THE ACT, amended <—

1 June 10, 1955 (P.L.154, No.48), is amended to read:

2 Section 1507. Cost of Construction; How Paid.--[The] All or
3 any portion of the cost of construction of any such system of
4 sewers or drains, constructed by the authority of this
5 subdivision, [in so far as it relates to sanitary sewers or
6 drains, shall and, in so far as it relates to storm sewers or
7 drains,] may be charged upon the properties accommodated or
8 benefited thereby [to the extent of such benefits] in the manner
9 hereinafter provided.

10 The township supervisors may finance the cost of construction
11 of any such system of sewers or drains, by the [issuance of
12 general obligation bonds of] incurring of debt by the township,
13 within the [constitutional and statutory limitations for the
14 incurring or increasing of indebtedness, and pursuant to the
15 provisions of law relating to the borrowing of money by
16 political subdivisions] limitations and pursuant to the
17 provisions of the act of July 12, 1972 (P.L.781, No.185), known
18 as the "Local Government Unit Debt Act." Where [general
19 obligation bonds are so issued] debt is so incurred, the
20 supervisors [in the case of construction of sanitary sewers or
21 drains shall and in the case of construction of storm sewers or
22 drains may nevertheless be required to] at their sole discretion
23 may assess all or any portion of the cost of the construction of
24 such sewers or drains, [to the extent] as permitted by law,
25 against the properties accommodated or benefited by such
26 improvements as hereinafter provided, and to deposit the net
27 proceeds of such assessments in [the sinking fund] a sinking or
28 analogous fund established [for the purpose of retiring such
29 general obligation bonds] in connection with the incurring of
30 such debt.

1 Nothing in this section shall be construed to prevent the
2 financing of the cost of such construction under the provisions
3 of the "Municipality Authorities Act of 1945," and any
4 amendments thereto.

5 Section ~~2-~~ 4. Section 1508 of the act is amended to read: <—

6 Section 1508. Sewer Districts; [Township to Pay Non-
7 Assessable Portion of Cost].--Whenever a sewer or drainage
8 system is constructed by a township for the accommodation of a
9 certain portion of the township, the supervisors of such
10 township may, at any time before or after said construction,
11 constitute the territory accommodated into a sewer district or
12 divide it into several sewer districts. In every such case of
13 division into several districts, the supervisors shall make an
14 estimate of the proportion of the cost of the sewer system which
15 should equitably be charged on each of said districts, and
16 declare and establish such apportionment by resolution.

17 In all cases where a sewer or drainage system is constructed
18 by a township for the benefit of a certain portion only of the
19 township, and the cost of main sewers, pumping stations,
20 pressure lines, et cetera, is charged against the sewer district
21 or sewer districts, as herein provided, [the total] all or any
22 portion of the amount charged to each district may be assessed
23 to the district by an assessment upon each lot or piece of land
24 in said district, in proportion to its frontage abutting on the
25 sewer, or by an assessment upon the several properties abutting
26 on the sewer, in proportion to benefits, or upon the properties
27 connected with and using said sewers, as sewer rentals, in the
28 manner provided by law for the assessment of sewer rentals, or
29 each lot or piece of ground abutting upon said sewer may be
30 assessed, in proportion to its frontage or according to

1 benefits, the cost of a local sewer, and the balance of the
2 amount charged against the district may be assessed upon the
3 properties connected with and using said sewer, as sewer rentals
4 in the manner provided by law for assessment of sewer rentals.
5 No district shall be charged with more than its due proportion
6 of the cost of the main sewers, pumping stations, et cetera,
7 used jointly by more than one district. Where the whole of the
8 township is accommodated by the system it may also be treated as
9 a single district, or divided into districts and be subject to
10 the foregoing provisions.

11 Section ~~3~~ 5. This act shall take effect immediately.

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