

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, IMPOSING CERTAIN RESTRICTIONS ON THE
7 POWERS OF TOWNSHIPS AND authorizing townships to use the
8 provisions of the Local Government Unit Debt Act for
9 financing construction of sewers and drains.

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

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

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

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

5 * * *

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

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

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

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

29 SECTION 3. SECTION 1501 OF THE ACT, AMENDED OCTOBER 4, 1978
30 (P.L.993, NO.205), IS AMENDED TO READ:

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1 SECTION 1501. POWER TO ESTABLISH AND CONSTRUCT SEWERS AND
2 DRAINS.--(A) TOWNSHIPS MAY ESTABLISH AND CONSTRUCT A SYSTEM OF
3 SEWERS AND DRAINAGE, LOCATING THE SAME AS FAR AS PRACTICABLE
4 ALONG AND WITHIN THE LINES OF THE PUBLIC ROADS OF THE TOWNSHIPS
5 AS SEEMS ADVISABLE TO THE BOARD OF SUPERVISORS. THE SUPERVISORS
6 MAY PERMIT AND, WHERE NECESSARY FOR THE PUBLIC HEALTH, REQUIRE
7 ADJOINING AND ADJACENT PROPERTY OWNERS TO CONNECT WITH AND USE
8 THE SAME. IN CASE ANY OWNER OF PROPERTY ADJOINING OR ADJACENT TO
9 SUCH SEWER SHALL NEGLECT OR REFUSE TO CONNECT WITH AND USE SAID
10 SEWER FOR A PERIOD OF SIXTY DAYS AFTER NOTICE TO DO SO HAS BEEN
11 SERVED UPON HIM BY THE SUPERVISORS, EITHER BY PERSONAL SERVICE
12 OR BY REGISTERED MAIL, SAID SUPERVISORS OR THEIR AGENTS, MAY
13 ENTER UPON SUCH PROPERTY AND CONSTRUCT SUCH CONNECTION. IN SUCH
14 CASE THE SUPERVISORS SHALL FORTHWITH, UPON COMPLETION OF THE
15 WORK, SEND AN ITEMIZED BILL OF THE COST OF CONSTRUCTION OF SUCH
16 CONNECTION TO THE OWNER OF THE PROPERTY TO WHICH CONNECTION HAS
17 BEEN SO MADE, WHICH BILL SHALL BE PAYABLE FORTHWITH. IN CASE OF
18 NEGLECT OR REFUSAL BY THE OWNER OF SUCH PROPERTY TO PAY SAID
19 BILL, IT SHALL BE THE DUTY OF THE TOWNSHIP SUPERVISORS TO FILE
20 MUNICIPAL LIENS FOR SAID CONSTRUCTION WITHIN SIX MONTHS OF THE
21 DATE OF COMPLETION OF THE CONSTRUCTION OF SAID CONNECTION, THE
22 SAME TO BE SUBJECT IN ALL RESPECTS TO THE GENERAL LAW PROVIDING
23 FOR THE FILING AND RECOVERY OF MUNICIPAL LIENS.

24 (B) WHENEVER AN EXISTING SEWER SYSTEM OWNED BY OR LEASED TO
25 A TOWNSHIP OF THE SECOND CLASS IS EXTENDED OR ALTERED AT THE
26 EXPENSE OF A DEVELOPER OR OTHER PRIVATE PERSON OR CORPORATION
27 UNDER THE SUPERVISION OF SUCH TOWNSHIP OR A MUNICIPAL AUTHORITY
28 OF SUCH TOWNSHIP, THE TOWNSHIP SUPERVISORS MAY, BY ORDINANCE OR
29 RESOLUTION, TAKE OVER SAID EXTENSION OR ALTERATION AND COMPEL
30 ALL OWNERS OF PROPERTY WHICH IS NOT ALREADY CONNECTED TO AN

1 EXISTING PUBLIC SEWER SYSTEM AND WHICH IS ACCESSIBLE TO AND
2 WHOSE PRINCIPAL BUILDING IS WITHIN ONE HUNDRED FIFTY FEET FROM
3 SUCH SEWER EXTENSION TO PAY A TAPPING FEE AND MAKE CONNECTION
4 THEREWITH AND USE SUCH SEWER SYSTEM IN SUCH MANNER AS THEY MAY
5 ORDER.

6 (C) THE SUPERVISORS MAY REFUND ALL OR PART OF SAID TAPPING
7 FEE OR FEES TO THE DEVELOPER OR OTHER PRIVATE PERSON OR
8 CORPORATION WHO OR WHICH PAID FOR SAID CONSTRUCTION. SAID
9 TAPPING FEES MAY BE BASED UPON FRONT FOOT CONSTRUCTION COSTS,
10 HOWEVER, THE TOTAL OF SAID REFUNDS SHALL NEVER EXCEED THE COST
11 OF SAID EXTENSION OR ALTERATIONS. ONCE SAID EXTENSION OR
12 ALTERATION IS TAKEN OVER IT SHALL BECOME PART OF THE EXISTING
13 SEWER SYSTEM.

14 (D) NOTWITHSTANDING THE POWERS GRANTED PURSUANT TO
15 SUBSECTION (A), (B) OR (C), NO TOWNSHIP SHALL HAVE THE POWER TO
16 REQUIRE ANY COMMERCIAL OR INDUSTRIAL BUSINESS TO CONNECT TO THE
17 TOWNSHIP SEWER SYSTEM WHEN SUCH COMMERCIAL OR INDUSTRIAL
18 BUSINESS IS OPERATING A SEWER TREATMENT PLANT UNDER MANDATE OF
19 ANY AGENCY OF THE FEDERAL OR STATE GOVERNMENT AND SUCH SEWER
20 TREATMENT PLANT MEETS THE SPECIFICATIONS AND STANDARDS MANDATED
21 BY SUCH FEDERAL OR STATE AGENCY.

22 Section ~~1. 3. 4.~~ Section 1507, ~~act of May 1, 1933 (P.L.103,~~ <—
23 ~~No.69), known as "The Second Class Township Code," reenacted and~~
24 ~~amended July 10, 1947 (P.L.1481, No.567) and OF THE ACT, amended~~ <—
25 June 10, 1955 (P.L.154, No.48), is amended to read:

26 Section 1507. Cost of Construction; How Paid.--[The] All or
27 any portion of the cost of construction of any such system of
28 sewers or drains, constructed by the authority of this
29 subdivision, [in so far as it relates to sanitary sewers or
30 drains, shall and, in so far as it relates to storm sewers or

1 drains,] may be charged upon the properties accommodated or
2 benefited thereby [to the extent of such benefits] in the manner
3 hereinafter provided.

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

25 Nothing in this section shall be construed to prevent the
26 financing of the cost of such construction under the provisions
27 of the "Municipality Authorities Act of 1945," and any
28 amendments thereto.

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

30 Section 1508. Sewer Districts; [Township to Pay Non-

1 Assessable Portion of Cost].--Whenever a sewer or drainage
2 system is constructed by a township for the accommodation of a
3 certain portion of the township, the supervisors of such
4 township may, at any time before or after said construction,
5 constitute the territory accommodated into a sewer district or
6 divide it into several sewer districts. In every such case of
7 division into several districts, the supervisors shall make an
8 estimate of the proportion of the cost of the sewer system which
9 should equitably be charged on each of said districts, and
10 declare and establish such apportionment by resolution.

11 In all cases where a sewer or drainage system is constructed
12 by a township for the benefit of a certain portion only of the
13 township, and the cost of main sewers, pumping stations,
14 pressure lines, et cetera, is charged against the sewer district
15 or sewer districts, as herein provided, [the total] all or any
16 portion of the amount charged to each district may be assessed
17 to the district by an assessment upon each lot or piece of land
18 in said district, in proportion to its frontage abutting on the
19 sewer, or by an assessment upon the several properties abutting
20 on the sewer, in proportion to benefits, or upon the properties
21 connected with and using said sewers, as sewer rentals, in the
22 manner provided by law for the assessment of sewer rentals, or
23 each lot or piece of ground abutting upon said sewer may be
24 assessed, in proportion to its frontage or according to
25 benefits, the cost of a local sewer, and the balance of the
26 amount charged against the district may be assessed upon the
27 properties connected with and using said sewer, as sewer rentals
28 in the manner provided by law for assessment of sewer rentals.
29 No district shall be charged with more than its due proportion
30 of the cost of the main sewers, pumping stations, et cetera,

1 used jointly by more than one district. Where the whole of the
2 township is accommodated by the system it may also be treated as
3 a single district, or divided into districts and be subject to
4 the foregoing provisions.

5 Section ~~3-5~~ 6. This act shall take effect immediately.

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