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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1086** Session of  
1981

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INTRODUCED BY NAHILL, LASHINGER, VROON, TELEK, WOGAN,  
CALTAGIRONE, COCHRAN AND CAPPABIANCA, APRIL 1, 1981

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 1, 1981

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AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled  
2 "An act concerning townships of the first class; amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," making editorial changes and requiring a petition  
5 to request a change from a first class township to a second  
6 class township.

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

9 Section 1. Sections 209 and 209a, act of June 24, 1931  
10 (P.L.1206, No.331), known as "The First Class Township Code,"  
11 reenacted and amended May 27, 1949 (P.L.1955, No.569), are  
12 amended to read:

13 Section 209. Ascertainment of Population.--At any time, not  
14 less than one year before the time fixed for taking a decennial  
15 census of the United States, whenever the owners of twenty-five  
16 per centum of the assessed valuation of the real estate of any  
17 township of the first class shall present their petition to the  
18 court of [quarter sessions] common pleas averring that the  
19 township no longer has a population of three hundred inhabitants

1 to the square mile, and shall give such security as the court  
2 may prescribe for the payment of all costs and expenses which  
3 may be incurred in any procedure had upon said petition, the  
4 court shall appoint a commissioner to perform the duties  
5 hereafter prescribed.

6 The said commissioner shall make an enrollment of the  
7 inhabitants of such township and make report thereof to the  
8 court at the next ensuing term. Upon the filing of the report  
9 the same shall be confirmed nisi, which confirmation shall  
10 become absolute unless excepted to within thirty days  
11 thereafter, during which time notice of the said filing and  
12 confirmation shall be advertised in a newspaper of general  
13 circulation once a week for three weeks. If exceptions are filed  
14 to the report within the said thirty days, the court, upon  
15 consideration thereof, shall confirm the report or modify the  
16 said finding. After final confirmation, the clerk of the court  
17 shall certify to the county commissioners and to the township  
18 [supervisors] commissioners of the township the population of  
19 the township, as shown by said proceedings. The costs and  
20 expenses of the proceedings, including a reasonable fee for the  
21 commissioner and attorney, shall be paid by the petitioners or  
22 by the township, or partly by each, as the court shall direct.

23 In addition to the procedure provided in the preceding  
24 paragraph, the county commissioners of each county shall,  
25 following each decennial census of the United States, ascertain  
26 from such census whether any township of the first class in the  
27 county no longer has a population of three hundred inhabitants  
28 to the square mile, and shall immediately certify the fact that  
29 any township no longer has a population of three hundred  
30 inhabitants to the square mile to the board of commissioners of

1 the township.

2 Section 209a. Submission of Question to Voters; Returns of  
3 Election, and Effect Thereof.--At the first general or municipal  
4 election occurring at least ninety days after the ascertainment  
5 by special enrollment or from the last preceding United States  
6 census, that any township of the first class no longer has a  
7 population of at least three hundred inhabitants to the square  
8 mile, and after a petition signed by at least ten percentum of  
9 the registered voters of the township has been filed in the  
10 court of common pleas, the question whether such township of the  
11 first class shall be reestablished as a township of the second  
12 class shall be submitted to the voters of the township, and the  
13 county board of elections shall cause to be printed, on separate  
14 ballots to be used in such township at such election, a proper  
15 question framed in accordance with the election laws of the  
16 Commonwealth.

17 The election officers shall compute the votes cast at the  
18 election provided for in the preceding paragraph and make return  
19 thereof to the clerk of the court of quarter sessions, who shall  
20 tabulate the same and certify the result thereof to the county  
21 board of elections and the township commissioners of such  
22 township. If a majority of the votes cast at any such election  
23 shall be in favor of becoming reestablished as a township of the  
24 second class, the government of the township of the second class  
25 shall be organized and become operative on the first Monday of  
26 January next succeeding such election, at which time the terms  
27 of the officers of the township of the first class shall cease  
28 and terminate. If a majority of the votes cast at any such  
29 election shall be in favor of remaining a township of the first  
30 class, no further proceedings shall be had for a period of four

1 years, after which period the board of township commissioners,  
2 by unanimous action, may, or upon petition of ten per centum of  
3 the registered voters of the township shall, through the county  
4 board of elections, resubmit the question of the electors of the  
5 township in the manner hereinbefore provided.

6 Section 2. This act shall take effect in 60 days.