

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1086

Session of
1981

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

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 14, 1981

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] COMMON <—
20 PLEAS, who shall tabulate the same and certify the result
21 thereof to the county board of elections and the township
22 commissioners of such township. If a majority of the votes cast
23 at any such election shall be in favor of becoming reestablished
24 as a township of the second class, the government of the
25 township of the second class shall be organized and become
26 operative on the first Monday of January next succeeding such
27 election, at which time the terms of the officers of the
28 township of the first class shall cease and terminate. If a
29 majority of the votes cast at any such election shall be in
30 favor of remaining a township of the first class, no further

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

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