

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1238 Session of  
1981

INTRODUCED BY WILSON, APRIL 21, 1981

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 21, 1981

AN ACT

1 Amending the act of March 7, 1901 (P.L.20, No.14), entitled "An  
2 act for the government of cities of the second class,"  
3 allowing cities to charge reasonable fees for municipal  
4 services provided for tax exempt real property and for a  
5 referendum thereon.

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

8 Section 1. Article XIX, act of March 7, 1901 (P.L.20,  
9 No.14), referred to as the Second Class City Law, is amended by  
10 adding a section to read:

11 ARTICLE XIX

12 Corporate Powers

13 \* \* \*

14 Section 4. (a) The city may levy and collect a service  
15 charge for municipal services from the owners of organizational  
16 and institutional real property which is otherwise exempt from  
17 taxation as provided by law. This charge shall be calculated  
18 according to the actual cost of providing the services to that  
19 real property and to the persons who use that property.

(b) Municipal services for which a service charge may be made are as follows:

(1) Fire protection.

(2) Police protection.

(3) Road maintenance and construction, traffic control, snow and ice removal, sidewalks and streetlights.

(4) Sanitation services.

(c) (1) The city council may by resolution elect to hold a referendum on whether any or all of the service charges listed in subsection (b) may be levied on tax exempt real property within the city. The referendum shall be held at the next succeeding municipal or general election for which the advertising requirements can be met. The referendum shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(2) The question shall be as follows:

Shall the City of.....levy and collect a service charge on tax exempt real property for the following municipal services:.....?

(d) Upon certification by the Secretary of the Commonwealth that a majority of the electors have approved the question on the referendum the city council shall adopt an ordinance which will carry out this section to the extent of the referendum approval, subject to the following:

(1) The institution or organization owning the tax exempt real property must receive the services for which it is charged.

(2) The service charge must reasonably reflect the value of that service.

(e) Any ordinance adopted under subsection (d) shall be effective at the beginning of the next following fiscal year.

1        (f) Service charges under this section shall be collected in  
2 the manner as are taxes under this act and the city may use  
3 those remedies as are provided by law for the collection of  
4 delinquent taxes, for the collection of delinquent service  
5 charges.

6        Section 2. This act shall take effect immediately.