

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1234

Session of
1985

INTRODUCED BY CORDISCO, J. L. WRIGHT AND DALEY, MAY 14, 1985

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 18, 1985

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," further providing for contracts relating to refuse
5 materials.

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

8 Section 1. Clause VIII of section 702 of the act of May 1,
9 1933 (P.L.103, No.69), known as The Second Class Township Code,
10 reenacted and amended July 10, 1947 (P.L.1481, No.567) and
11 amended May 9, 1961 (P.L.194, No.97), is amended to read:

12 Section 702. Supervisors to Exercise Powers.--The corporate
13 powers of townships of the second class shall be exercised by
14 the township supervisors. Where no specific authority is given
15 for the expenditures incident to the exercise of any power
16 hereinafter conferred, or where no specific fund is designated
17 from which such expenditures shall be made, appropriations for
18 such expenditures shall be made only from the general township
19 fund. In addition to the duties imposed upon them by section 516

1 hereof, they shall have power--

2 * * *

3 VIII. Ashes, Garbage, Rubbish and Other Refuse Materials.--

4 To regulate or prohibit the dumping or otherwise depositing of
5 ashes, garbage, rubbish and other refuse materials within the
6 township. To prohibit accumulations of ashes, garbage, rubbish
7 and other refuse materials upon private property, including the
8 imposition and collection of reasonable fees and charges for the
9 collection, removal and disposal thereof. They shall also have
10 power to--

11 (1) Collect, remove and dispose of or to provide, by
12 contract or otherwise, for the collection, removal and disposal,
13 by incineration, land fill or other methods of ashes, garbage,
14 rubbish and other refuse materials and to prescribe penalties
15 for the enforcement thereof. †Any such contract may be made for <—
16 a period not exceeding three years. This limitation shall not
17 apply to contracts entered into with any other political
18 subdivision [or with]_ any municipality authority.† OR ANY <—
19 OPERATOR OF A PRIVATELY OWNED RESOURCE RECOVERY FACILITY.
20 CONTRACTS MADE WITH OPERATORS OF PRIVATELY OWNED RESOURCE
21 RECOVERY FACILITIES FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE
22 MAY HAVE A TERM NOT EXCEEDING TEN YEARS. To acquire any real
23 property and to erect, maintain, improve, operate, and lease,
24 either as lessor or lessee, facilities for incineration, land
25 fill or other methods of disposal, either within or without the
26 limits of the township, including equipment, either separately
27 or jointly, with any other political subdivision or with any
28 municipality authority in order to provide for the destruction,
29 collection, removal and disposal of ashes, garbage, rubbish and
30 other refuse materials and to provide for the payment of the

1 cost and expense thereof, either in whole or part, out of the
2 funds of the township and to acquire land for land fill
3 purposes, either amicably or by exercising the power of eminent
4 domain, and to maintain such lands and places for the dumping of
5 ashes, garbage, rubbish and other refuse material to fix, alter,
6 charge and collect rates, and other charges for the collection,
7 removal and disposal of ashes, garbage, rubbish and other refuse
8 materials and the costs of including the payment of any
9 indebtedness incurred for the construction, purchase,
10 improvement, repair, maintenance and operation of any facilities
11 therefor, and the amount due under any contract with any other
12 political subdivision or with any municipality authority
13 furnishing any of such services or facilities. To incur
14 indebtedness and issue bonds for the costs of the construction,
15 purchase, improvement and repair of any facilities for the
16 collection, removal and disposal of ashes, garbage, rubbish and
17 other refuse materials, including equipment to be used in
18 connection therewith. To make appropriations to any other
19 political subdivision or any municipality authority out of its
20 general funds or out of any other available funds, including the
21 proceeds of bonds of the township for the construction,
22 purchase, improvement, repair, maintenance and operation of any
23 facilities for the collection, removal and disposal of ashes,
24 garbage, rubbish and other refuse materials. In the event that
25 any such bonds were issued for such purposes, pursuant to a vote
26 of the electors, any appropriation of such proceeds as above set
27 forth shall not be deemed such a change of purpose from that for
28 which such bonds were issued as shall require the question to be
29 again submitted to a vote of the electors under any existing
30 law. Any such funds appropriated as herein authorized, which

1 represent the proceeds of any bonds heretofore or hereafter
2 issued by the township for the above purposes, shall be used by
3 such other political subdivision or municipality authority for
4 or toward the purpose or purposes for which such bonds were
5 issued. In the absence of such collection, removal and disposal
6 plan for the entire township the supervisors shall--

7 (2) on petition of a majority of the adult taxable residents
8 of any territory within the township, which has been definitely
9 defined, set apart and limited by the township supervisors, with
10 the approval of the township auditors, as a village, prior to
11 the filing of any such petition, either with township employes
12 and facilities, or with independent contractors, provide for the
13 removal from the village of ashes or garbage or other refuse
14 material, as the case may be, and for the disposal thereof. The
15 supervisors shall levy a per capita assessment upon all adult
16 residents of any such village, sufficient to defray the cost of
17 such removal and disposal. Such assessment shall be collected in
18 the same manner as per capita taxes, and the collector shall
19 receive the same commission thereon. The treasurer of the board
20 of supervisors shall receive all such assessments collected and
21 keep the same in a separate account and pay the same out only
22 upon orders signed by the chairman and attested by the secretary
23 of the board of supervisors. The treasurer shall make an annual
24 report of the account to the auditors of the township.

25 * * *

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