

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 831

Session of
1987

INTRODUCED BY FREEMAN, SCHEETZ, YANDRISEVITS, RYBAK,
CAPPABIANCA, JOHNSON, CAWLEY, PRESTON, VEON, COHEN,
VAN HORNE, GAMBLE, PRESSMANN, RITTER, RAYMOND, BLAUM AND
WOZNIAK, MARCH 11, 1987

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 15, 1987

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," increasing ordinance violation fines.

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

7 Section 1. Clause XLI of section 702 of the act of May 1,
8 1933 (P.L.103, No.69), known as The Second Class Township Code,
9 reenacted and amended July 10, 1947 (P.L.1481, No.567), amended
10 April 12, 1976 (P.L.94, No.40) and repealed in part April 28,
11 1978 (P.L.202, No.53), 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

1 such expenditures shall be made only from the general township
2 fund. In addition to the duties imposed upon them by section 516
3 hereof, they shall have power--

4 * * *

5 XLI. Ordinances.--To adopt ordinances prescribing the manner
6 in which such specific powers of the township shall be carried
7 out. All such proposed ordinances, unless otherwise provided by
8 law, shall be published not more than sixty days nor less than
9 seven days prior to passage at least once in one newspaper
10 circulating generally in the township. Public notices of any
11 proposed ordinances shall include either the full text thereof
12 or the title and a brief summary prepared by the township
13 solicitor, if the township has a solicitor, otherwise by that
14 individual who drafted the ordinance setting forth all the
15 provisions in reasonable detail and a reference to a place
16 within the township where copies of the proposed ordinance may
17 be examined. If the full text is not included a copy thereof
18 shall be supplied to a newspaper of general circulation in the
19 county at the time the public notice is published. If the full
20 text is not included an attested copy thereof shall be filed in
21 the county law library or other county office designated by the
22 county commissioners who may impose a fee no greater than that
23 necessary to cover the actual costs of storing said ordinances.
24 In the event substantial amendments are made in the proposed
25 ordinance or resolution, before voting upon enactment, the board
26 of supervisors shall within ten days readvertise in one
27 newspaper of general circulation in the township, a brief
28 summary setting forth all the provisions in reasonable detail
29 together with a summary of the amendments. Such ordinances shall
30 be recorded in the ordinance book of the township and shall

1 become effective five days after such adoption. Any and all
2 township ordinances, or portions thereof, the text of which,
3 prior to the effective date of this reenactment and amendment,
4 shall have been attached to the township ordinance book, shall
5 be considered in force just as if such ordinances, or portions
6 thereof, had been recorded directly upon the pages of such
7 ordinance book: Provided, That all other requirements of this
8 act applicable to the enactment, approval, advertising and
9 recording of such ordinances or portions thereof, were complied
10 with within the time limits prescribed by this act. In any case
11 in which maps, plans, or drawings of any kind are adopted as
12 part of an ordinance, the supervisors may, instead of publishing
13 the same as part of the ordinance, refer in publishing the
14 ordinance to the place where such maps, plans, or drawings are
15 on file and may be examined. The board of supervisors may
16 prescribe fines and penalties not exceeding ~~three [hundred]~~ <—
17 [THREE HUNDRED] ONE thousand dollars in any instance for the <—
18 violation of any such township ordinances, which fines and
19 penalties may be collected by suit or summary proceeding brought
20 in the name of the township before any justice of the peace.
21 Proceedings for the violation of township ordinances and for the
22 collection of fines and penalties imposed thereby may be
23 commenced by warrant, or by summons, at the discretion of the
24 justice of the peace before whom the proceeding is begun. No
25 warrant shall be issued, except upon complaint on oath or
26 affirmation specifying the ordinance for the violation of which
27 the same is issued. All proceedings shall be directed to, and be
28 served by, a constable of the township. Warrants shall be
29 returnable forthwith and upon such return like proceeding shall
30 be had, as in cases of summary conviction. All fines and

1 penalties collected for the violation of township ordinances
2 shall be paid over to the township treasury. Upon judgment
3 against any person by summary conviction, or by proceedings by
4 summons on default of the payment of the fine or penalty imposed
5 and the costs, the defendant may be sentenced and committed to
6 the township lockup for a period not exceeding five days, or to
7 the county jail, or workhouse for a period not exceeding thirty
8 days.

9 Any person aggrieved may make complaint as to the legality of
10 such ordinance or resolution to the court.

11 * * *

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