

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 333 Session of
1993

INTRODUCED BY LESCOVITZ AND D. W. SNYDER, FEBRUARY 8, 1993

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 8, 1993

AN ACT

1 Reenacting and amending the act of May 1, 1933 (P.L.103, No.69),
2 entitled "An act concerning townships of the second class;
3 and amending, revising, consolidating, and changing the law
4 relating thereto," adding, revising and deleting provisions
5 relating to townships of the second class.

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30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. The title and act of May 1, 1933 (P.L.103,
3 No.69), known as The Second Class Township Code, reenacted and
4 amended July 10, 1947 (P.L.1481, No.567) and amended or repealed
5 in part May 20, 1949 (P.L.1562, No.474), May 24, 1951 (P.L.370,
6 No.85), May 29, 1951 (P.L.435, No.102), July 19, 1951 (P.L.1097,
7 No.243), January 14, 1952 (1951 P.L.1989, No.555), July 2, 1953
8 (P.L.328, No.72), July 2, 1953 (P.L.354, No.83), August 21, 1953
9 (P.L.1333, No.376), June 28, 1955 (P.L.214, No.67), May 29, 1956
10 (1955 P.L.1804, No.600), May 31, 1956 (1955 P.L.1898, No.627),
11 June 1, 1956 (1955 P.L.2021, No.677), April 9, 1957 (P.L.54,
12 No.29), May 20, 1957 (P.L.174, No.85), May 20, 1957 (P.L.179,
13 No.87), June 16, 1959 (P.L.466, No.95), June 30, 1959 (P.L.495,
14 No.120), July 9, 1959 (P.L.508, No.134), July 9, 1959 (P.L.510,
15 No.136), July 21, 1959 (P.L.559, No.173), July 30, 1959
16 (P.L.585, No.193), August 11, 1959 (P.L.664, No.216), August 25,
17 1959 (P.L.763, No.269), August 28, 1959 (P.L.788, No.287),
18 September 8, 1959 (P.L.809, No.305), April 28, 1961 (P.L.153,
19 No.75), May 9, 1961 (P.L.181, No.89), May 9, 1961 (P.L.194,
20 No.97), July 13, 1961 (P.L.596, No.294), July 13, 1961 (P.L.600,
21 No.299), May 15, 1963 (P.L.39, No.35), June 21, 1963 (P.L.153,
22 No.98), July 26, 1963 (P.L.323, No.176), July 31, 1963 (P.L.381,
23 No.203), August 2, 1963 (P.L.491, No.255), August 6, 1963
24 (P.L.535, No.285), August 24, 1963 (P.L.1197, No.503), May 3,
25 1965 (P.L.35, No.29), May 5, 1965 (P.L.42, No.36), May 7, 1965
26 (P.L.51, No.39), May 12, 1965 (P.L.57, No.43), June 8, 1965
27 (P.L.99, No.68), June 8, 1965 (P.L.121, No.83), September 1,
28 1965 (P.L.455, No.232), September 2, 1965 (P.L.477, No.241),
29 November 10, 1965 (P.L.709, No.339), February 2, 1966 (1965
30 P.L.1887, No.601), March 21, 1967 (P.L.17, No.6), June 1, 1967

1 (P.L.29, No.19), June 16, 1967 (P.L.108, No.25), October 9, 1967
2 (P.L.416, No.184), October 19, 1967 (P.L.455, No.212), November
3 24, 1967 (P.L.620, No.282), December 14, 1967 (P.L.816, No.350),
4 December 14, 1967 (P.L.833, No.358), December 20, 1967 (P.L.869,
5 No.385), January 18, 1968 (1967 P.L.958, No.426), March 21, 1968
6 (P.L.66, No.22), April 3, 1968 (P.L.78, No.33), June 24, 1968
7 (P.L.240, No.112), July 31, 1968 (P.L.805, No.247), June 30,
8 1969 (P.L.110, No.42), July 1, 1969 (P.L.117, No.48), April 22,
9 1970 (P.L.303, No.97), July 22, 1970 (P.L.533, No.179), July 22,
10 1970 (P.L.553, No.190), November 25, 1970 (P.L.734, No.237),
11 June 3, 1971 (P.L.118, No.6), June 27, 1973 (P.L.74, No.33),
12 July 27, 1973 (P.L.242, No.67), October 12, 1973 (P.L.291,
13 No.86), January 23, 1974 (P.L.12, No.5), March 1, 1974 (P.L.88,
14 No.23), March 13, 1974 (P.L.192, No.36), April 11, 1974
15 (P.L.248, No.60), June 27, 1974 (P.L.411, No.144), June 27, 1974
16 (P.L.420, No.148), December 13, 1974 (P.L.960, No.315), July 16,
17 1975 (P.L.69, No.40), July 30, 1975 (P.L.134, No.67), July 30,
18 1975 (P.L.137, No.69), October 2, 1975 (P.L.344, No.98),
19 December 19, 1975 (P.L.562, No.159), May 21, 1976 (P.L.146,
20 No.70), June 11, 1976 (P.L.159, No.78), July 9, 1976 (P.L.851,
21 No.149), December 1, 1977 (P.L.246, No.81), April 28, 1978
22 (P.L.202, No.53), September 28, 1978 (P.L.808, No.158), October
23 4, 1978 (P.L.948, No.187), October 4, 1978 (P.L.1026, No.228),
24 October 5, 1979 (P.L.199, No.67), November 1, 1979 (P.L.450,
25 No.87), May 9, 1980 (P.L.118, No.45), July 10, 1980 (P.L.475,
26 No.102), October 5, 1980 (P.L.780, No.143), December 19, 1980
27 (P.L.1318, No.238), May 22, 1981 (P.L.79, No.26), October 1,
28 1981 (P.L.286, No.97), October 16, 1981 (P.L.291, No.100),
29 November 20, 1981 (P.L.337, No.122), March 3, 1982 (P.L.124,
30 No.40), April 8, 1982 (P.L.256, No.77), November 26, 1982

1 (P.L.765, No.218), December 13, 1982 (P.L.1147, No.262), May 1,
2 1984 (P.L.222, No.46), October 31, 1985 (P.L.294, No.68), July
3 3, 1986 (P.L.385, No.82), December 11, 1986 (P.L.1500, No.159),
4 December 17, 1986 (P.L.1687, No.199), July 13, 1987 (P.L.330,
5 No.60), January 28, 1988 (P.L.19, No.9), March 2, 1988 (P.L.105,
6 No.20), March 25, 1988 (P.L.261, No.30), March 30, 1988
7 (P.L.312, No.41), June 15, 1988 (P.L.453, No.75), December 14,
8 1989 (P.L.629, No.74), July 10, 1990 (P.L.386, No.91), November
9 29, 1990 (P.L.606, No.153), November 29, 1990 (P.L.610, No.155),
10 July 11, 1991 (P.L.83, No.17), December 20, 1991 (P.L.408,
11 No.49) and December 16, 1992 (P.L. , No.157), are reenacted
12 and amended to read:

13 AN ACT
14 Concerning townships of the second class; and amending,
15 revising, consolidating[,] and changing the law relating
16 thereto.

17 ARTICLE I

18 PRELIMINARY PROVISIONS

19 [Section 101. Short Title.--Effective Date. This act shall
20 be known, and may be cited, as "The Second Class Township Code."
21 This act shall take effect on the first day of July, one
22 thousand nine hundred and thirty-three. This reenactment,
23 revision, amendment and consolidation of the laws relating to
24 townships of the second class shall become effective the first
25 day of July, one thousand nine hundred and forty-seven.]

26 Section 101. Short Title; Effective Date.--This act shall be
27 known and may be cited as "The Second Class Township Code." This
28 reenactment, revision, amendment and consolidation of the laws
29 relating to townships of the second class shall take effect July
30 1, 1993.

1 [Section 102. Definitions.--The following words, terms and
2 phrases, as used in this act, shall have the meanings herein
3 assigned to them, unless the context clearly indicates
4 otherwise:

5 (a) "Township," a township of the second class.

6 (b) "Road" or "Public road," a road of a township of the
7 second class and shall include a street, lane, alley, court or
8 public square of such township.

9 (c) "Highway" or "State highway," a road or highway of the
10 State highway system.]

11 Section 102. Definitions.--The following words, terms and
12 phrases, as used in this act, shall have the following meanings,
13 unless the context clearly indicates otherwise:

14 "Census" or "official census," the latest United States
15 Census Bureau population count resulting from a decennial or
16 special census conducted by the United States Census Bureau.

17 "Highway" or "State highway," any highway, road or street
18 which qualifies as a State highway or a portion of the rural
19 State highway system as provided in section 102 of the act of
20 June 1, 1945 (P.L.1242, No.428), known as the "State Highway
21 Law."

22 "Municipal corporation," any city, borough, incorporated
23 town, township of the second class, township of the first class
24 or home rule municipality, except home rule counties.

25 "Road" or "public road," the entire width between the
26 boundary lines of every way, street, lane, alley, court or
27 public square maintained by the township which is open to the
28 use of the public for purposes of vehicular travel.

29 "Township," a township of the second class.

30 [Section 103. Excluded Provisions.--This act does not

1 include any provisions, and shall not be construed to repeal any
2 acts, relating to--

3 (a) The assessment and valuation of property and persons for
4 the purposes of taxation and collection of taxes and the
5 collection of municipal claims by liens;

6 (b) The method of incurring or increasing bonded
7 indebtedness;

8 (c) Election officers and conduct of elections;

9 (d) Public schools and school districts;

10 (e) Constables;

11 (f) Justices of the peace;

12 (g) State roads, and private roads;

13 (h) Validations of elections, bonds, ordinances, and acts of
14 corporate officers;

15 (i) Free non-sectarian libraries.]

16 Section 103. Excluded Provisions.--This act does not repeal
17 any acts relating to:

18 (1) The assessment and valuation of property and persons for
19 the purposes of taxation and collection of taxes and the
20 collection of municipal claims by liens.

21 (2) The method of incurring or increasing indebtedness.

22 (3) Election officers and conduct of elections.

23 (4) Public schools and school districts.

24 (5) Constables.

25 (6) District justices.

26 (7) State highways and private roads.

27 (8) Validations of elections, bonds, ordinances and acts of
28 corporate officers.

29 (9) Free nonsectarian libraries.

30 (10) Intergovernmental cooperation.

1 (11) Planning and land use.

2 (12) Public meetings.

3 (13) Inspection of records.

4 (14) Ethics of elected officers and employees.

5 (15) The levy or collection of taxes under general law.

6 [Section 104. Construction of Act Generally.--The provisions
7 of this act, so far as they are the same as those of existing
8 laws, are intended as a continuation of such laws and not as new
9 enactments. The repeal by this act of any act of Assembly, or
10 part thereof, shall not revive any act or part thereof
11 heretofore repealed or superseded, nor affect the existence or
12 class of any township heretofore created. The provisions of this
13 act shall not affect any act done, liability incurred, or right
14 accrued or vested, or affect any suit or prosecution, pending or
15 to be instituted, to enforce any right or penalty or punish any
16 offense under the authority of such repealed laws. All
17 resolutions, regulations, and rules, made pursuant to any act of
18 Assembly repealed by this act, shall continue with the same
19 force and effect as if such act had not been repealed. Any
20 person holding office under any act of Assembly repealed by this
21 act shall continue to hold such office until the expiration of
22 the term thereof, subject to the conditions attached to such
23 office prior to the passage of this act.]

24 Section 104. Construction of Act Generally.--The provisions
25 of this act, insofar as they are the same as those of existing
26 laws, are intended as a continuation of those laws and not as
27 new enactments. The repeal by this act of any State law or part
28 thereof does not revive any act or part thereof previously
29 repealed or superseded. The provisions of this act do not affect
30 any act done, liability incurred or right accrued or vested, or

1 affect any suit or prosecution, pending or to be instituted, to
2 enforce any right or penalty or punish any offense under the
3 authority of any repealed laws.

4 [Section 105. Constitutional Construction.--The provisions
5 of this act shall be severable, and if any of the provisions
6 shall be held to be unconstitutional, such decision shall not
7 affect the validity of any of the remaining provisions of this
8 act. It is hereby declared as the legislative intent that this
9 act would have been adopted had such unconstitutional provision
10 not been included therein.]

11 Section 105. Constitutional Construction.--The provisions of
12 this act are severable, and if any of the provisions are held to
13 be unconstitutional, that decision shall not affect the validity
14 of any of the remaining provisions of this act. It is the
15 legislative intent that this act would have been adopted had the
16 unconstitutional provision not been included.

17 [Section 106. Construction of References.--Whenever, in this
18 act, reference is made to any act by title, such reference shall
19 also apply to and include any codification wherein the
20 provisions of the act referred to are substantially re-enacted.]

21 Section 106. Construction of References.--When, in this act,
22 reference is made to any act by title, it includes any
23 codification in which the provisions of the act referred to are
24 substantially re-enacted.

25 [Section 107. How Act Applies.--This act shall apply to all
26 townships of the second class within the Commonwealth as now
27 existing or hereafter created, established or re-established.]

28 Section 107. How Act Applies.--This act shall apply to all
29 townships of the second class as now exist and those created,
30 established or re-established after this act takes effect.

1 [Section 108. Saving Clauses Where Class of Township
2 Changed.--Whenever any township of the second class is
3 designated a township of the first class, or whenever any
4 township of the first class is re-established as a township of
5 the second class, all liabilities incurred, rights accrued or
6 vested, obligations issued or contracted, and all suits and
7 prosecutions pending or to be instituted to enforce any right or
8 penalty accrued or punish any offense committed prior to such
9 change of class, and all resolutions, rules and regulations,
10 shall continue with the same force and effect as if no such
11 change had been made.]

12 Section 108. Saving Clauses When Class of Township
13 Changed.--When any township of the second class is re-
14 established as a township of the first class, or when any
15 township of the first class is re-established as a township of
16 the second class, all liabilities incurred, rights accrued or
17 vested, obligations issued or contracted, and all suits and
18 prosecutions pending or to be instituted to enforce any right or
19 penalty accrued or punish any offense committed before the
20 change of class, and all resolutions, rules and regulations,
21 shall continue with the same force and effect as if no change
22 had been made.

23 [Section 109. Exception as to Taxation.--This act does not
24 provide for the assessment and valuation of property and persons
25 for the purposes of taxation and the collection of township
26 taxes.

27 Section 110. Legal Advertising.--Whenever, under the
28 provisions of this act, notice is required to be published in
29 one newspaper, such publication shall be made in a newspaper of
30 general circulation, as defined by the Newspaper Advertising

1 Act, approved May sixteenth, one thousand nine hundred and
2 twenty-nine (Pamphlet Laws one thousand seven hundred and
3 eighty-four), printed in the township, if there is such a
4 newspaper, and, if not, then in a newspaper circulating
5 generally in such township. If such notice is required to be
6 published in more than one newspaper, it shall be published in
7 at least one newspaper of general circulation, defined as
8 aforesaid, printed, if there be such a newspaper, or circulating
9 generally, as above provided, in the township. When such notice
10 relates to any proceeding or matter in any court, or the holding
11 of an election for the increase of indebtedness, or the issue
12 and sale of bonds to be paid by taxation, such notice shall,
13 also, in counties of the second, third, fourth and fifth
14 classes, be published in the legal newspaper, if any, designated
15 by the rules of court of the proper county for the publication
16 of legal notices and advertisements, unless such publication be
17 dispensed with by special order of court: Provided, however,
18 That auditors' statements, summaries of auditors' statements, or
19 advertisements inviting proposals for public contracts and for
20 bids for materials and supplies, shall be published only in
21 newspapers of general circulation, defined as aforesaid.]

22 Section 109. Legal Advertising.--When notice is required to
23 be published by a township in one or more newspapers, unless
24 otherwise specified, publication shall be made in the legal
25 notice section in a newspaper of general circulation in the
26 township, as defined by 45 Pa.C.S. (relating to legal notices).
27 When the notice relates to any proceeding or matter in any
28 court, or the holding of an election for the increase of
29 indebtedness, or the issue and sale of bonds to be paid by
30 taxation, the notice shall also, with respect to townships

1 located in counties of the second, third, fourth and fifth
2 classes, be published in the legal newspaper of the county, if
3 any, so designated by the rules of court. Auditors' statements,
4 summaries of auditors' statements, notices of public meetings
5 and hearings, notices of budget proposals, ordinances, lists of
6 delinquent taxpayers and advertisements inviting proposals for
7 public contracts and for bids for materials and supplies shall
8 be published only in newspapers of general circulation.

9 ARTICLE II

10 CLASSIFICATION, CREATION, CONSOLIDATION [AND],

11 RE-ESTABLISHMENT AND CHANGE OF NAME

12 OF TOWNSHIPS [OF THE SECOND CLASS

13 (a) Classification of Townships

14 Section 201. Classification of Townships.--The townships now
15 in existence and those to be hereafter created are divided into
16 two classes. Townships of the first class shall be those having
17 a population of at least three hundred inhabitants to the square
18 mile, which have heretofore fully organized and elected their
19 officers and are now functioning as townships of the first
20 class, or which may hereafter be created townships of the first
21 class in the manner provided by the laws relating to townships
22 of the first class. All townships not townships of the first
23 class shall be townships of the second class. A change from one
24 class to the other shall hereafter be made only as provided by
25 this act, or the laws relating to townships of the first class.]

26 Section 201. Classification of Townships.--The townships now
27 in existence and those to be created after this act takes effect
28 are divided into two classes, townships of the first class and
29 townships of the second class. Townships of the first class are
30 those having a population of at least three hundred inhabitants

to the square mile, which are now established as townships of the first class, or which may be created townships of the first class under laws relating to townships of the first class. All townships that are not townships of the first class or home rule townships are townships of the second class. A change from one class to the other shall be made only under this act or the laws relating to townships of the first class.

[(b) Consolidation of Townships

Section 205. Manner in Which Townships May Be

Consolidated.--The courts of quarter sessions may, upon the presentation of petitions as hereinafter provided, consolidate two or more townships of the second class located in the same county.

Section 206. Petitions.--(a) Petitions for consolidation of townships, in the manner hereinbefore provided, shall be signed by registered electors equal in number to at least five per centum of such electors of each of the townships proposed to be consolidated at the time of the filing of such petition. Such petition shall be subscribed and sworn to by at least three of the signers.

(b) Petitions for the consolidation of townships may also be presented when signed by a majority of the supervisors of each of the townships proposed to be consolidated and subscribed and sworn to by at least one supervisor from each such township.

Such petitions in either event shall set forth the name of any proposed new township, and shall specify the reasons for such consolidation. Each such petition shall be accompanied by an accurate map or plot prepared by a registered surveyor or engineer showing the lines of the new township, and the present division line between such townships. Where natural marks are on

1 such lines they shall also be shown.

2 Section 207. Confirmation of Petition; Notice of Filing.--

3 Upon the presentation of any such petition, the same shall be
4 confirmed nisi and the court shall, by its order, require such
5 notice to be given by the petitioners to the residents and
6 supervisors of the townships affected as it deems proper. If no
7 exceptions, as hereinafter provided, are filed to such petition,
8 the court after the expiration of thirty days shall confirm it
9 absolutely.

10 Section 208. Exceptions; Hearing and Action Thereon.--Within

11 thirty days after the filing of such petition, any registered
12 elector of the townships affected may file exceptions to such
13 petition, questioning the sufficiency of the number of signers,
14 or the legality of any signatures, or the accuracy or
15 sufficiency of the map or plot attached thereto. The court, upon
16 the filing of any exceptions, shall fix a day for hearing, of
17 which such notice shall be given as the court may direct. At
18 such hearing, the court shall hear all parties interested and
19 their witnesses. If the exceptions in the opinion of the court
20 are not sustained, it shall dismiss the same and confirm the
21 petition absolutely. If the exceptions in the opinion of the
22 court are sustained and the court deems the petition or map or
23 plot amendable, it may permit either the petition or the map or
24 plot, or both, to be amended; and when so amended, it shall
25 confirm the petition absolutely, but if it shall deem the
26 petition or the map or plot not amendable, it shall dismiss the
27 petition.

28 Section 209. Elections.--When any petition is confirmed
29 absolutely, the court shall order an election held on the
30 question of the consolidation of such townships, which shall be

1 held on the day of the next primary, general or municipal
2 election occurring at least sixty days after such order of
3 court. Such election shall be held at the regular polling places
4 in the townships affected. At any such election all of the
5 registered electors of the townships affected by such
6 consolidation shall have the right to vote. The ballot at any
7 such election, or ballot labels in the event voting is by
8 machine, shall be furnished by the county board of elections,
9 and the question to be placed thereon shall be framed and
10 printed as provided by the election laws of the Commonwealth.

11 Section 210. Notice of Election.--The constables of the
12 townships affected, or if there be no constable, then one of the
13 supervisors designated by the court, shall give at least fifteen
14 days' notice of the time and place of holding such election by
15 posting not less than six printed handbills in at least six
16 public places in each of such townships. The notice of election
17 shall contain a statement of the townships to be affected
18 thereby, that it is proposed to make a consolidation, and the
19 court may prescribe the form of the notice and include therein
20 such other matters as the circumstances of the individual case
21 may render desirable.

22 Section 211. Return of Election; Decree.--The election
23 officers, after the polls have been closed, shall count the
24 ballots and certify the number of votes cast for and against
25 such consolidation to the county board of elections, who shall
26 tabulate and compute the same and lay the result before the
27 court. If it shall appear that a majority of the votes cast in
28 each of the townships affected are in favor of the consolidation
29 of such townships, the court shall order and decree the new
30 township agreeably to the name and lines set forth in the

1 petition, and the government of the new township shall be
2 organized and become effective on the first Monday of January
3 succeeding such election. If a majority of the votes cast in any
4 of the townships affected, are against the consolidation of such
5 townships, no further action shall be had upon said proceedings.
6 No new proceedings shall be considered for a period of two
7 years.]

8 Section 202. Consolidation of Townships by Referendum.--The
9 courts of common pleas may order a referendum to consolidate two
10 or more townships located in the same county, upon the
11 presentation of petitions as follows:

12 (1) Petitions for consolidation of townships shall be signed
13 by five percent of the electors of each of the townships
14 proposed to be consolidated at the time of the filing of the
15 petition. The petition shall be subscribed and sworn to by at
16 least three of the signers.

17 (2) Petitions for the consolidation of townships may also be
18 presented when signed by a majority of the board of supervisors
19 of each of the townships proposed to be consolidated and
20 subscribed and sworn to by at least one supervisor from each
21 township.

22 (3) Petitions under this section shall set forth the name of
23 any proposed new township and shall specify the reasons for the
24 consolidation. The petition shall be accompanied by an accurate
25 map or plot prepared by a registered surveyor or engineer
26 showing the lines of the new township and the present division
27 line between the townships. If natural marks are on the lines,
28 they shall also be shown.

29 (4) Upon the presentation of the petition to the court, the
30 court shall require notice to be given by the petitioners to the

1 residents and supervisors of the townships affected as it deems
2 proper. If no exceptions are filed to the petition within thirty
3 days after it is filed, the court shall order a referendum on
4 the question of consolidation.

5 (5) Within thirty days after the filing of the petition, any
6 elector of either of the townships affected may file exceptions
7 to the petition, questioning the sufficiency of the number of
8 signers, or the legality of any signatures on the petition, or
9 the accuracy or sufficiency of the map or plot attached thereto.
10 The court, upon the filing of any exceptions, shall set a day
11 for hearing, of which notice shall be given as the court may
12 direct. At the hearing, the court shall hear all parties
13 interested and their witnesses. If the court does not sustain
14 the exceptions, it shall dismiss them and order the referendum.
15 If the court sustains the exceptions, it shall dismiss the
16 petition. If the court deems the petition or map or plot
17 amendable, it may permit either the petition or the map or plot,
18 or both, to be amended; and if the court does not sustain the
19 exceptions after the amendment, it shall order the referendum.

20 (6) When the court orders the referendum, it shall order the
21 question of the consolidation of the townships to be placed on
22 the ballot at the next primary, general or municipal election
23 which occurs at least sixty days after the order of court. The
24 question shall be framed and printed under the election laws of
25 this Commonwealth.

26 (7) The court shall designate either a constable or, if
27 there are none, one member of the board of supervisors from each
28 of the designated townships affected to give at least fifteen
29 days' notice of the time and place of holding the election by
30 posting not less than six printed handbills in at least six

1 public places in each of the townships. The notice shall contain
2 a statement of the townships to be affected, that it is proposed
3 to make a consolidation, and the court may prescribe the form of
4 the notice and require it to include other matters as the
5 circumstances of the individual case may render desirable.

6 (8) The election officers shall certify the number of votes
7 cast for and against the consolidation to the county board of
8 elections, which shall tabulate and compute them and lay the
9 result before the court. If a majority of the votes cast in each
10 of the townships affected are in favor of the consolidation of
11 the townships, the court shall order and decree the new
12 township, and the government of the new township shall be
13 organized and become effective on the first Monday of January
14 after the election. If a majority of the votes cast in any of
15 the townships are against the consolidation of the townships, no
16 further action may be taken on those proceedings. No new
17 proceedings may be initiated for a period of two years from the
18 date of the election.

19 [Section 211.1. Certain Townships Consolidated by Court.--

20 (a) Upon petition by a majority of the county commissioners of
21 any county and a majority of the supervisors of the other
22 townships affected by the consolidation, any township in the
23 county having a population of fifty persons or less may be
24 consolidated by the court of quarter sessions with a contiguous
25 township in the same county.

26 Such petition shall set forth the name of the proposed
27 consolidated township which may be the same as the township
28 concerned which has the larger population and the reasons for
29 the proposed consolidation, and shall be accompanied by an
30 accurate map or plot prepared by a registered surveyor or

1 engineer, showing the lines of the proposed consolidated
2 township and the present division line between the two
3 townships.

4 (b) Upon its presentation, the court shall order the
5 petition filed and shall fix a time for hearing. Such notice of
6 the filing of the petition and hearing shall be given as the
7 court shall direct. If, after hearing, the court shall determine
8 in favor of the petition, it shall order and decree the new or
9 consolidated township agreeably to the name and lines set forth
10 in the petition, and the new or consolidated township shall be
11 organized and become effective on the first Monday of January
12 next following.]

13 Section 203. Certain Townships Consolidated by Court.--(a)
14 Upon petition by a majority of the county commissioners of any
15 county and a majority of the board of supervisors of the other
16 townships affected by the consolidation, any township in the
17 county having a population of fifty persons or less may be
18 consolidated by the court of common pleas with a contiguous
19 township in the same county.

20 (b) The petition shall set forth the name of the proposed
21 consolidated township, which may be the same as the township
22 concerned which has the larger population, and the reasons for
23 the proposed consolidation and shall be accompanied by an
24 accurate map or plot prepared by a registered surveyor or
25 engineer, showing the lines of the proposed consolidated
26 township and the present division line between the two
27 townships.

28 (c) Upon its presentation, the court shall order the
29 petition filed and shall fix a time for hearing. The notice of
30 the filing of the petition and hearing shall be given as the

1 court shall direct. If after hearing the court determines in
2 favor of the petition, it shall order and decree the new or
3 consolidated township agreeably to the name and lines set forth
4 in the petition, and the new or consolidated township shall be
5 organized and become effective on the first Monday of January
6 next following.

7 [Section 212. Boundary Monuments.--All angles and corners in
8 the lines of any such new township, not fixed by public
9 highways, natural boundaries, or monuments, shall be marked by
10 stone monuments placed at such angles or corners unless it is
11 impractical to do so, in which case the court shall direct how
12 the same shall be marked, and, for cause shown, the court may
13 direct other monuments to be placed on said lines. The cost of
14 such monuments and the placing thereof shall be paid by the new
15 township; and it shall be the duty of the supervisors thereof to
16 cause said monuments to be put in place not later than one year
17 after the new township is formed.

18 Section 213. Classification of New Townships.--The new
19 township shall be a township of the second class, unless and
20 until by subsequent proceedings, in accordance with laws
21 relating to townships of the first class, and having the
22 required population, it shall be created a township of the first
23 class.

24 Section 214. Costs.--When townships are consolidated, the
25 cost of the proceedings shall be paid by the new township, and
26 where any petition is dismissed or a majority of the electors of
27 any one or more townships shall vote against the consolidation
28 of any such township, the cost of the proceedings shall be paid
29 by the townships proposed to be consolidated.]

30 Section 204. Costs.--When townships are consolidated, the

new township shall pay the cost of the proceedings. If the court dismisses a petition or if a majority of the electors of any township vote against the consolidation, the court shall direct the townships proposed to be consolidated to pay the costs of proceedings in proportions as it shall determine.

[Section 215. Property Rights and Liabilities Where Townships Consolidated.--After the consolidation of two or more townships, the rights, privileges and franchises of each of the townships, and all property, real, personal and mixed, and all debts due on whatever account, and other things in action belonging to each of such townships shall be vested in the new township. The title to real estate vested in either of such townships shall not revert or be in any way impaired by reason of such consolidation. All rights of creditors or liens shall be preserved, and all debts and liabilities of either of such townships shall attach to such new township and be in force against it.]

Section 205. Property Rights and Liabilities When Townships Consolidated.--When townships are consolidated, the rights, privileges and franchises of each of the townships and all property, real, personal and mixed, and all debts due on any account, and other things in action belonging to each of the townships shall be vested in the new township. The title to real estate vested in either of the townships shall not revert or be in any way impaired by reason of the consolidation. All rights of creditors or liens shall be preserved, and all debts and liabilities of either of the townships shall attach to the new township and be in force against it.

[(c) Re-establishment of Townships of the Second Class

Section 225. Because of Loss of Population.--Townships of

1 the first class no longer having a population of three hundred
2 to the square mile may be re-established as townships of the
3 second class, in the manner provided by laws governing townships
4 of the first class.

5 Section 226. By Vote of Registered Electors.--A township of
6 the first class may, irrespective of population, be re-
7 established a township of the second class in the manner
8 hereinafter provided.

9 The board of commissioners of such township on its own
10 initiative may, or within fifteen days after the receipt of a
11 petition signed by at least five per centum of the registered
12 electors of such township shall, pass a resolution and record it
13 on its minutes, submitting the question, of whether such
14 township of the first class shall be re-established a township
15 of the second class, to the registered electors of such
16 township.

17 At the primary, general or municipal election occurring at
18 least ninety days after the passage of such resolution, the
19 question, whether such township of the first class shall be re-
20 established a township of the second class, shall be submitted
21 to the voters of the township; and the county board of elections
22 shall cause to be printed, on separate ballots, or in case
23 voting is by machine on ballot labels, to be used in such
24 township at such election, a proper question framed in
25 accordance with the election laws of the Commonwealth.

26 The election officers shall compute the votes cast at the
27 election and make return thereof to the county board of
28 elections, wherein such township is situate, which shall compute
29 the same and certify the result thereof to the county
30 commissioners and the board of township commissioners of such

1 township and to the clerk of the court of quarter sessions. If a
2 majority of the votes cast at any such election shall be in
3 favor of the re-establishment of such township as a township of
4 the second class, the government of the township of the second
5 class shall be organized and become effective on the first
6 Monday of January next succeeding such election, at which time
7 the terms of the officers of the township of the first class
8 shall cease and terminate, and the officers appointed by the
9 court for such township, as hereinafter provided, shall take
10 office. If a majority of the votes cast at any such election
11 shall be in favor of remaining a township of the first class, no
12 further proceedings shall be had for a period of two years after
13 which proceedings de novo may be had.]

14 Section 206. Re-establishment of Townships.--A township of
15 the first class may, irrespective of population, be re-
16 established a township of the second class in the following
17 manner:

18 (1) The board of commissioners of the township of the first
19 class on its own initiative may, or within fifteen days after
20 the receipt of a petition signed by at least five percent of the
21 electors of the township of the first class shall, pass a
22 resolution and record it on its minutes, submitting the
23 question, of whether the township of the first class shall be
24 re-established as a township of the second class, to the
25 electors of the township of the first class.

26 (2) At the next primary, general or municipal election
27 occurring at least ninety days after the passage of the
28 resolution, the question, whether the township of the first
29 class shall be re-established as a township of the second class,
30 shall be submitted to the voters of the township; and the county

1 board of elections shall place the question of re-establishment
2 as a township of the second class on the ballot under the
3 election laws of this Commonwealth.

4 (3) The election officers shall compute the votes cast at
5 the election and certify them to the county board of elections,
6 which shall compute them and certify the result to the county
7 commissioners and the board of commissioners of the township of
8 the first class and to the clerk of the court of common pleas.
9 If a majority of the votes cast at the election are in favor of
10 the re-establishment of the township of the first class as a
11 township of the second class, the government of the township of
12 the second class shall be organized and become effective on the
13 first Monday of January after the election, when the terms of
14 the officers of the township of the first class shall cease, and
15 the officers appointed by the court for the township under
16 section 209 shall take office. If a majority of the votes cast
17 at the election are in favor of remaining a township of the
18 first class, no further proceedings may be initiated for a
19 period of two years from the date of the election.

20 [(d) Creation of Townships of the Second Class by
21 Annulment of Borough Charters

22 Section 230. Because of Annulment of Charter of Borough.--
23 Townships of the second class may be created by the annulment of
24 a charter of a borough in the manner provided by laws governing
25 boroughs.]

26 Section 207. Creation of Townships by Annulment of Charter
27 of Borough.--Townships of the second class may be created by the
28 annulment of a charter of a borough under laws governing
29 boroughs.

30 Section 208. Classification of New Townships.--When a new

1 township is created either by consolidation of two or more
2 townships, or re-establishment of a township of the first class
3 as a township or by annulment of a charter of a borough, the new
4 township shall be classified as a township of the second class.

5 [(e) Officers for New Townships

6 Section 235. Appointment and Election of Officers of New
7 Townships.--Whenever a new township results from the
8 consolidation of townships, or is created as a result of the
9 annulment of the charter of a borough, or when a township is re-
10 established, the court of quarter sessions shall appoint the
11 elective officers for the new township, and fix the polling
12 place or places in such new township. The officers so appointed
13 shall hold their offices until the first Monday of January
14 following the next municipal election occurring at least ninety
15 days after such appointments. At such municipal election, an
16 assessor and a tax collector shall be elected for regular four-
17 year terms, if such election occurs in the year when such
18 officers are elected for regular terms, and if not, then such
19 officers shall be elected for terms of two years each and their
20 successors shall be elected for four-year terms. At said first
21 municipal election, one supervisor and one auditor shall be
22 elected for terms of six years each, one supervisor and one
23 auditor for terms of four years each, and one supervisor and one
24 auditor for terms of two years each. All such officers shall
25 take office on the first Monday of January next following their
26 election.]

27 Section 209. Appointment and Election of Officers of New
28 Townships.--When a new township results from the consolidation
29 of townships, or is created as a result of the annulment of a
30 charter of a borough, or when a township of the first class is

1 re-established as a township of the second class, the court of
2 common pleas shall appoint the elective officers for the new
3 township and determine the polling place or places in the new
4 township. The appointed officers shall hold their offices until
5 the first Monday of January after the next municipal election
6 which occurs at least ninety days after the appointments. At the
7 municipal election, an assessor in those counties where
8 assessors are elected and a tax collector shall be elected for
9 regular four-year terms, if the election occurs in the year when
10 those officers are elected for regular terms, and, if not, they
11 shall be elected for terms of two years each and their
12 successors shall be elected for four-year terms. At the first
13 municipal election, one supervisor and one auditor shall be
14 elected for terms of six years each, one supervisor and one
15 auditor for terms of four years each, and one supervisor and one
16 auditor for terms of two years each. All officers shall take
17 office on the first Monday of January after their election.

18 [(f) Certificates to be Furnished to State Departments
19 Section 240. Certificates of Clerk of Court; Fee; Penalty.--
20 When a township of the second class results from the
21 consolidation of two or more townships or is created or re-
22 established, the clerk of the court of quarter sessions of the
23 county, within thirty days, shall certify a copy of the record
24 hereof in said court to the Secretary of Community Affairs and
25 the Department of Highways of the Commonwealth. For such
26 services the clerk shall be allowed a fee of three dollars and
27 fifty cents, to be paid as part of the costs of the proceedings.

28 Any clerk who shall fail or neglect or refuse to furnish such
29 certifications, or either of them, as herein required, shall
30 upon conviction thereof, in a summary proceeding, be sentenced

1 to pay a fine of not more than fifty dollars, and in default of
2 the payment of such fine and costs, undergo imprisonment of not
3 more than ten days.]

4 Section 210. Certificates of Clerk of Court; Fee; Penalty.--

5 (a) When a township of the second class results from the
6 consolidation of two or more townships or is created or re-
7 established, the clerk of the court of common pleas, within
8 thirty days, shall certify the action to the Department of
9 Community Affairs and the Department of Transportation. The
10 clerk may charge a fee of three dollars and fifty cents (\$3.50),
11 to be paid as part of the costs of the proceedings.

12 (b) A clerk who fails to furnish the certifications, or
13 either of them, shall, upon conviction thereof, in a summary
14 proceeding, be sentenced to pay a fine of not more than fifty
15 dollars (\$50) and, in default of the payment of the fine and
16 costs, undergo imprisonment of not more than ten days.

17 [ARTICLE IIA

18 CHANGE OF NAME OF TOWNSHIP OF SECOND CLASS

19 Section 201A. Petition of Electors.--Upon petition to the
20 court of quarter sessions of at least ten per centum of the
21 registered electors of any township of the second class setting
22 forth that the inhabitants of the township desire to change the
23 name of the township, the court shall order an election to be
24 held on the next day appointed for the holding of a general,
25 municipal or primary election occurring at least ninety days
26 after the presentation of the petition, at which election the
27 question whether the name of the township shall be changed shall
28 be submitted to the voters of the township.

29 Section 202A. Filing and Advertisement of Petition.--Upon
30 determination by the court that the petition for change of name

1 of the township is in proper form and properly executed, and the
2 entry of the court order thereon, the original petition shall be
3 filed with the clerk of the court and a copy of the petition and
4 order of the court shall be filed with the county board of
5 elections which shall frame the proper question to be submitted
6 to the electors at the election ordered by the court. Notice of
7 the election shall be given in at least one newspaper of general
8 circulation of the proper county once a week for four
9 consecutive weeks, which shall set forth the time of the
10 election and the purpose thereof. The publication of the notice
11 shall be made on behalf of the petitioners in such form as the
12 court shall approve.

13 Section 203A. Returns and Effect of Election.--The election
14 officers shall compute the votes cast on the question and make
15 return thereof to the clerk of the court of quarter sessions who
16 shall tabulate the same and certify the result thereof. If a
17 majority of the votes cast at any such election shall be in
18 favor of the change of township name, the court shall so order
19 and shall order the record of the proceedings to be permanently
20 recorded. If a majority of the votes were against the change,
21 there shall be no further proceedings on the petition.]

22 Section 211. Change of Name of Township.--(a) Upon petition
23 to the court of common pleas of at least ten percent of the
24 electors of a township, or upon passage of a resolution by the
25 board of supervisors, seeking a change of the name of the
26 township, the court shall order a referendum on the question.

27 (b) If the court determines that the petition or resolution
28 for change of name of the township is in proper form and
29 properly executed, the original petition or resolution shall be
30 filed with the clerk of the court. A copy of the petition or

1 resolution and order of the court shall be filed with the county
2 board of elections, which shall frame the question to be
3 submitted to the electors at the next general or municipal
4 election which occurs at least sixty days after the court order.

5 (c) The election officers shall compute the votes cast on
6 the question and certify them to the clerk of the court of
7 common pleas, who shall tabulate them and certify the result. If
8 a majority of the votes cast at the election are in favor of the
9 change of township name, the court shall so order and shall
10 order the record of the proceedings to be permanently recorded.
11 If a majority of the votes are against the change, there shall
12 be no further proceedings on the petition or resolution.

13 ARTICLE III

14 TOWNSHIP LINES AND BOUNDARIES

15 [Section 301. Stream Boundaries.--Whenever any township is
16 bounded by the nearest margin of any navigable stream, and the
17 opposite township, borough or city, as the case may be, is also
18 bounded by the nearest margin of the same stream, the middle of
19 such stream shall be the boundary between such township and the
20 opposite township, borough or city. Nothing contained in this
21 section shall be construed to repeal any local or special law
22 providing to the contrary.]

23 Section 301. Stream Boundaries.--When any township is
24 bounded by the nearest margin of any navigable stream and the
25 opposite municipal corporation is also bounded by the nearest
26 margin of the same stream, the middle of the stream is the
27 boundary between the township and the opposite municipal
28 corporation. This section does not repeal any local or special
29 law.

30 [Section 302. Establishment of Boundaries.--The courts of

1 quarter sessions may, upon the presentation of a petition, (a)
2 alter the lines of a township and any adjoining township,
3 borough, or city so as to suit the convenience of the
4 inhabitants thereof; (b) cause the lines or boundaries of
5 townships to be ascertained and established; and (c) ascertain
6 and establish disputed lines and boundaries between two or more
7 townships or between townships and cities or boroughs. When any
8 such petition is presented, the court may require the
9 petitioners to file a bond in a sufficient sum to secure the
10 payment of all costs of the proceeding.]

11 Section 302. Establishment of Boundaries.--(a) The courts
12 of common pleas may, upon the presentation of a petition:

13 (1) require the lines or boundaries of townships to be
14 ascertained and established; and

15 (2) ascertain and establish disputed lines and boundaries
16 between two or more townships or between townships and any
17 municipal corporation.

18 (b) When any petition is presented, the court may require
19 the petitioners to file a bond in a sufficient sum to secure the
20 payment of all costs of the proceeding.

21 [Section 303. Petition to Court; Commissioners Report.--Upon
22 application by petition, the court shall appoint three impartial
23 citizens as commissioners, one of whom shall be a registered
24 surveyor or engineer, to inquire into the prayer of the
25 petition. After having given notice to parties interested as
26 directed by the court, the commissioners shall hold a hearing
27 and view the lines or boundaries; and they, or any two of them,
28 shall make a plot or draft of the lines and boundaries proposed
29 to be altered or ascertained and established if the same cannot
30 be fully designated by natural lines or boundaries. The

1 commissioners, or any two of them, shall make report to the
2 court, together with their opinion of the same. Upon the filing
3 of any such report, the same shall be confirmed nisi, and the
4 court may, by its order, require such notice to be given by the
5 petitioners to the parties interested, as it deems proper.]

6 Section 303. Petition to Court; Commissioners' Report.--Upon
7 application by petition, the court shall appoint three impartial
8 citizens as commissioners, one of whom shall be a registered
9 surveyor or engineer, to inquire into the request of the
10 petition. After giving notice to parties interested as directed
11 by the court, the commissioners shall hold a hearing and view
12 the lines or boundaries; and they shall make a plot or draft of
13 the lines and boundaries proposed to be ascertained and
14 established if they cannot be fully designated by natural lines
15 or boundaries. The commissioners shall make a report to the
16 court, together with their recommendations. Upon the filing of
17 the report, it shall be confirmed nisi, and the court may
18 require notice to be given by the petitioners to the parties
19 interested.

20 [Section 304. Exceptions and Procedure.--Exceptions to any
21 such report may be filed by any person or political subdivision
22 interested within thirty days after the filing of the report,
23 and the court may thereupon fix a day for the hearing of such
24 exceptions, of which such notice shall be given as the court may
25 direct. After hearing, the court shall have power to sustain
26 such exceptions or to dismiss them and confirm the report, or to
27 refer the report back to the same or new commissioners with like
28 authority to make another report, on which like legal
29 proceedings may be had. Where no exceptions are filed within
30 thirty days after the filing of the report, the court shall

1 confirm the same absolutely. When any report is confirmed
2 absolutely, the court shall enter a decree altering or
3 ascertaining and establishing the lines and boundaries as shown
4 in said report.]

5 Section 304. Exceptions and Procedure.--Exceptions to the
6 report may be filed by any interested person or municipal
7 corporation or school district within thirty days after the
8 filing of the report, and the court shall set a day for the
9 hearing of the exception. Notice of the hearing shall be given
10 as the court may direct. After hearing, the court may sustain
11 the exceptions or dismiss them and confirm the report, or refer
12 the report back to the same or new commissioners with authority
13 to make another report. If no exceptions are filed within thirty
14 days after the filing of the report, the court shall confirm the
15 report absolutely. When any report is confirmed absolutely, the
16 court shall enter a decree establishing the lines and boundaries
17 as shown in the report.

18 [Section 305. Monuments.--Whenever any such township line or
19 boundary is altered or ascertained and established the court
20 shall cause the same to be appropriately marked with stone
21 monuments placed at intervals not exceeding fifteen hundred
22 feet.

23 Section 306. Compensation and Expenses of Commissioners,
24 Engineer, and Chaincarriers; Costs.--The compensation and
25 expenses of commissioners appointed to alter or ascertain and
26 establish township lines shall be in the amount approved by the
27 court. The court shall by its order provide how the costs and
28 expenses of any such proceeding, including the furnishing and
29 placing of monuments, shall be paid, and may assess them against
30 the petitioners, any township or municipalities interested, or

1 any of them.]

2 Section 305. Costs.--The compensation and expenses of
3 commissioners appointed to ascertain and establish township
4 lines shall be in the amount approved by the court. The court
5 shall ascertain how the costs of the proceeding, including the
6 furnishing and placing of markers, shall be paid and may assess
7 them against the petitioners, any affected township or municipal
8 corporations and school districts affected.

9 [Section 307. Adjustment of Indebtedness.--Whenever the
10 boundaries of any township have been altered or ascertained and
11 established, the court of quarter sessions may adjust the taxes,
12 debts and expenses for township, municipal, and school purposes
13 between the townships, municipalities, and school districts
14 affected.]

15 Section 306. Adjustment of Indebtedness.--When the
16 boundaries of any township are ascertained and established, the
17 court of common pleas may adjust the taxes, debts and expenses
18 for township, municipal and school purposes between the
19 townships, municipal corporations and school districts affected.

20 [Section 308. Adjustment for Costs or Values of
21 Improvements.--(a) Except as hereinafter provided, whenever the
22 boundaries of any townships have been altered and a portion
23 thereof has been annexed by a borough or city, the township
24 shall be paid by such borough or city the following costs or
25 value of improvements located within the portion of the township
26 so annexed: (1) the value of all roads improved by the township
27 within five years; (2) the cost of sewer systems constructed by
28 the township within fifteen years; (3) the value of public
29 buildings and improvements other than roads and sewers. All such
30 costs or values shall be paid within one year after the final

1 act of annexation. The provisions of this section shall not
2 apply to the cost of any road, sewer or facilities which have
3 been assessed against the real property within the annexed
4 territory.

5 (b) The township shall not be reimbursed for any
6 improvements the cost of which has been assessed against
7 abutting property owners.

8 (c) If any present indebtedness of the township exists by
9 reason of any improvements located in annexed area and a city of
10 the third class assumes a portion of said indebtedness, as
11 provided in section 540 of the act known as "The Third Class
12 City Code" as reenacted and amended by the act approved the
13 twenty-eighth day of June one thousand nine hundred fifty-one
14 Pamphlet Laws 662), or a borough assumes a portion of said
15 indebtedness, as provided in section 702 of the act known as
16 "The Borough Code" as reenacted and amended by the act approved
17 the tenth day of July one thousand nine hundred forty-seven
18 (Pamphlet Laws 1621), such payment on account of indebtedness
19 shall be considered to be a credit to such city of the third
20 class or borough on account of the cost of said improvement.

21 (d) Whenever an amicable settlement cannot be made on the
22 amount to be paid as provided in subsection (a) of this section,
23 the court of quarter sessions upon application of the governing
24 body of the city, borough or township, shall determine the
25 amount to be paid.]

26 Section 307. Adjustment for Costs or Values of
27 Improvements.--(a) When the boundaries of any townships have
28 been ascertained and established, or when an annexation
29 procedure is consummated with the result that a portion of a
30 township is determined to be within the boundaries of another

1 municipal corporation, the township shall be paid by the
2 municipal corporation the following costs or value of
3 improvements located within the portion of the township
4 affected:

5 (1) The value of all improvements to roads by the township
6 within five years.

7 (2) The cost of sanitary sewer systems constructed by the
8 township within fifteen years.

9 (3) The value of public buildings and all improvements other
10 than roads and sewers.

11 (b) All costs or values shall be paid within one year after
12 the final confirmation by the court or before the completion of
13 the annexation process. This section does not apply to the cost
14 of any road, sanitary sewer systems or facilities which have
15 been assessed against the real property within the affected
16 territory.

17 (c) If any present indebtedness of the township losing the
18 affected area exists by reason of any improvements located in
19 the affected area and the municipal corporation gaining the
20 affected area assumes a portion of the indebtedness, any payment
21 on account of the indebtedness shall be a credit to the
22 municipal corporation gaining the affected area on account of
23 the cost of the improvement.

24 (d) When an amicable settlement cannot be made on the amount
25 to be paid under this section, the court of common pleas, upon
26 application by any one of the municipal corporations involved,
27 shall determine the amount to be paid.

28 ARTICLE IV

29 ELECTION OF OFFICERS; VACANCIES IN OFFICE

30 [(a) General Provisions

1 Section 401. Township Officers to Be Electors.--No person
2 shall be eligible to the office of supervisor, assessor, auditor
3 or tax collector in any township unless he is a registered
4 elector of the township for which he is chosen.]

5 Section 401. Township Officers to be Electors.--No person is
6 eligible for the office of supervisor, assessor, auditor or tax
7 collector in any township unless that person is an elector of
8 the township.

9 [Section 402. Officers to Be Elected.--(A) The electors of
10 each township shall elect (a) except as otherwise provided,
11 three supervisors, (b) one assessor, (c) three auditors, and (d)
12 one tax collector. No person shall at the same time hold more
13 than one elective township office: Provided, That the office of
14 justice of the peace shall not be considered an elective
15 township office for the purposes of this section.

16 (B) Upon petition of at least five per centum of the
17 registered electors of the township or pursuant to a resolution
18 of the board of supervisors, and upon an approval by a majority
19 of those electors voting at the next municipal or general
20 election, there shall be elected two additional supervisors. The
21 referendum petition or resolution of the board of supervisors
22 certified by the township secretary shall be filed with the
23 county board of elections not later than the thirteenth Tuesday
24 prior to the next municipal or general election. The county
25 board of elections shall place the question before the electors
26 in the same manner as other questions are presented under the
27 provisions of the Pennsylvania Election Code.

28 The form of the question shall be as follows:

29 Should two additional supervisors be	Yes
30 elected to serve in this township?	No

1 The county board of elections shall tabulate and publish the
2 results of the referendum within thirty days of the election.
3 The total number of supervisors shall not exceed five. In no
4 event shall the question of additional supervisors be voted on
5 more than once in any three-year period.

6 (C) At the first municipal election following the approval
7 at the prior general election by the voters of the question
8 providing for the election of two additional supervisors, one of
9 such additional supervisors shall be elected for a term of four
10 years and one shall be elected for a term of six years, each to
11 serve from the first Monday of January next following his
12 election. At the first general election following the approval
13 at the prior municipal election by the voters of the question
14 providing for the election of two additional supervisors, one of
15 such additional supervisors shall be elected for a term of three
16 years and one shall be elected for a term of five years, each to
17 serve from the first Monday of January next following his
18 election. Thereafter, such additional supervisors shall be
19 elected for terms of six years each to serve from the first
20 Monday of January next following his election.]

21 Section 402. Officers to be Elected.--(a) Except as
22 provided in subsection (b), the electors of each township shall
23 elect three supervisors, one assessor in those counties in which
24 assessors are elected, three auditors and one tax collector. No
25 person shall at the same time hold more than one elective
26 township office.

27 (b) Upon petition of at least five percent of the electors
28 of the township or under a resolution of the board of
29 supervisors, and upon approval by a majority of those electors
30 voting at the next municipal or general election, there shall be

elected two additional supervisors. The referendum petition or resolution of the board of supervisors certified by the township secretary shall be filed with the county board of elections not later than the thirteenth Tuesday before the next municipal or general election. The county board of elections shall place the question before the electors as provided under the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code." The form of the question shall be as follows:

Should two additional supervisors be	Yes
elected to serve in this township?	No

The county board of elections shall tabulate and publish the results of the referendum within thirty days of the election. The total number of supervisors shall not exceed five. In no event shall the question of additional supervisors be voted on more than once in any three-year period.

(c) At the first municipal election following approval at a general election of the question providing for the election of two additional supervisors, one of the additional supervisors shall be elected for a term of four years and one for a term of six years, each to serve from the first Monday of January after the election. At the first general election following approval at a municipal election of the question providing for the election of two additional supervisors, one of the additional supervisors shall be elected for a term of three years and one for a term of five years, each to serve from the first Monday of January after the election. After that time, the additional supervisors shall be elected for terms of six years each to serve from the first Monday of January after the election.

(d) In townships in which the electorate has opted for a
five-member board, the township shall return to a three-member

board of supervisors upon petition of at least five percent of the electors of the township, or under a resolution of the board of supervisors, and upon approval by a majority of electors voting at the next municipal or general election. The referendum petition shall be filed with the county board of elections not later than the thirteenth Tuesday before the next municipal or general election. The county board of elections shall place the question before the electors as provided under the "Pennsylvania Election Code." The form of the question shall be as follows:

Should this township return to a Yes
three-member board of supervisors? No

The county board of elections shall tabulate and publish the results of the referendum within thirty days of the election. In no event shall the question of reducing the five-member board of supervisors be voted on more than once in any five-year period.

(e) At the first municipal election following approval of the question providing for a return to a three-member board, three supervisors shall be elected to serve from the first Monday of January after the election, when the terms of the officers of the five-member board of supervisors shall cease. The three candidates receiving the highest number of votes for the office of supervisor shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years. The candidate receiving the second highest number of votes shall serve for a term of four years. The candidate receiving the third highest number of votes shall serve for a term of two years. After that, supervisors shall be elected under section 403.

[(b) Election of Officers

Section 410. Supervisors.--(a) Except as is otherwise

1 provided for the election of additional supervisors, at each
2 municipal election, the electors of each township shall elect
3 one supervisor to serve for a term of six years from the first
4 Monday of January next following his election.

5 (b) Except as provided in section 514, no supervisor shall
6 at the same time hold any other elective or appointive township
7 office or position other than township roadmaster or secretary-
8 treasurer. Nothing in this subsection shall prohibit a
9 supervisor from being a member of a township planning commission
10 created pursuant to the act of July 31, 1968 (P.L.805, No.247),
11 known as the "Pennsylvania Municipalities Planning Code."

12 (c) Supervisors shall reside in the township from which
13 elected and shall have resided in that township continuously for
14 at least one year before their election.]

15 Section 403. Supervisors.--(a) Except as provided under
16 section 402(b) for the election of additional supervisors or
17 under section 402(e) for a return to a three-member board, or
18 when vacancies create shorter terms, at each municipal election,
19 the electors of each township shall elect one supervisor to
20 serve for a term of six years from the first Monday of January
21 after the election.

22 (b) Except as otherwise provided in this act, no supervisor
23 shall at the same time hold any other elective or appointive
24 township office or position. Nothing in this subsection shall
25 prohibit a supervisor from being a member of a township planning
26 commission created under the act of July 31, 1968 (P.L.805,
27 No.247), known as the "Pennsylvania Municipalities Planning
28 Code."

29 (c) Supervisors shall reside in the township from which
30 elected and shall have resided in that township continuously for

1 at least one year before their election.

2 [Section 411. Auditors.--(a) At each municipal election,
3 the electors of each township shall elect one auditor to serve
4 for a term of six years from the first Monday of January next
5 following his election. Auditors shall reside in the township
6 from which elected and shall have resided in that township
7 continuously for at least one year immediately preceding their
8 election.

9 (b) No auditor shall at the same time hold any other
10 elective or appointive township office in the township in which
11 he is employed as an auditor, and no auditor shall at the same
12 time hold any other elective or appointive school district
13 office or employment in any school district of the second, third
14 or fourth class if he audits any finances or any funds belonging
15 to or controlled by the school district.]

16 Section 404. Auditors.--(a) Except when vacancies create
17 shorter terms, at each municipal election, the electors of each
18 township shall elect one auditor to serve for a term of six
19 years from the first Monday of January after the election.
20 Auditors shall reside in the township from which elected and
21 shall have resided in that township continuously for at least
22 one year immediately preceding their election.

23 (b) No auditor shall at the same time hold any other
24 elective or appointive township office or position.

25 [Section 412. Assessor.--At the municipal election in the
26 year one thousand nine hundred and forty-nine, and at the
27 municipal election every four years thereafter, the electors of
28 each township shall elect one assessor to serve for a term of
29 four years from the first Monday of January next following his
30 election. Assessors shall reside in the township from which

1 elected and shall have resided in that township continuously for
2 at least one year immediately preceding their election.

3 Section 413. Assessors not Elected in Certain Counties.--The
4 provisions of the preceding section, relating to the election of
5 assessors, shall not authorize the election of assessors for
6 taxation purposes in counties where boards for the assessment
7 and revision of taxes are authorized by law to appoint
8 assessors.]

9 Section 405. Assessor.--(a) At the municipal election in
10 the year 1993, and at the municipal election every four years
11 after that, the electors of each township shall elect one
12 assessor to serve for a term of four years, except when
13 vacancies create shorter terms, from the first Monday of January
14 after the election. Assessors shall reside in the township from
15 which elected and shall have resided in that township
16 continuously for at least one year immediately preceding their
17 election.

18 (b) This section does not authorize the election of
19 assessors for taxation purposes in counties where boards for the
20 assessment and revision of taxes are authorized by law to
21 appoint assessors.

22 [Section 414. Tax Collector.--(a) At the municipal election
23 in the year one thousand nine hundred and forty-nine, and at the
24 municipal election every four years thereafter, the electors of
25 each township shall elect one tax collector to serve for a term
26 of four years from the first Monday of January next succeeding
27 such election. Tax collectors shall reside in the township from
28 which elected and shall have resided in that township
29 continuously for at least one year immediately preceding their
30 election.

(b) If the electors of any township shall fail to choose a tax collector or if any person elected to such office shall fail to give the required bond or to take the required oath, such vacancy shall be filled as prescribed by section 420.]

Section 406. Tax Collector.--(a) At the municipal election in the year 1993, and at the municipal election every four years after that, the electors of each township shall elect one tax collector to serve for a term of four years, except when vacancies create shorter terms, from the first Monday of January after the election. Tax collectors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.

(b) If the electors of any township fail to choose a tax collector or if any person elected to the office fails to give the required bond or to take the required oath, the vacancy shall be filled under section 407.

[(c) Vacancies in Office

Section 420. Vacancies in General.--If the electors of any township shall fail to choose a supervisor, tax collector, auditor or assessor, or if any person elected to such office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, removal from the township, or otherwise, a majority of the remaining supervisors may appoint a successor who is a registered voter and has resided in that township continuously for at least one year prior to their appointment, and upon their failure to make such appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. Such board shall consist of the board of

1 supervisors and one registered elector of the township, who
2 shall be appointed by the board of supervisors at the board's
3 first meeting each calendar year or as soon thereafter as
4 practical and who shall act as chairman of the vacancy board. If
5 the vacancy board fails to fill the position within the time
6 prescribed, the chairman shall, or in the case of a vacancy in
7 the chairmanship the remaining members of the vacancy board
8 shall, petition the court of common pleas to fill the vacancy.
9 In the case where two or more vacancies in the office of
10 supervisor occur on a three member board, or three or more
11 vacancies on a five member board, the court of common pleas
12 shall fill such vacancies upon presentation of petition signed
13 by not less than fifteen registered electors of the township. In
14 all cases, the successor so appointed shall hold the office
15 until the first Monday in January after the first municipal
16 election occurring more than sixty days after the vacancy
17 occurs, at which election an eligible person shall be elected
18 for the unexpired term.]

19 Section 407. Vacancies in General.--If the electors of any
20 township fail to choose a supervisor, tax collector, auditor or
21 assessor, or if any person elected to any office fails to serve
22 in the office, or if a vacancy occurs in the office by death,
23 resignation, removal from the township or otherwise, the board
24 of supervisors may appoint a successor who is an elector of the
25 township and has resided in that township continuously for at
26 least one year prior to their appointment, and, upon their
27 failure to make the appointment within thirty days after the
28 vacancy occurs, the vacancy shall be filled within fifteen
29 additional days by the vacancy board. The vacancy board shall
30 consist of the board of supervisors and one elector of the

1 township, who shall be appointed by the board of supervisors at
2 the board's first meeting each calendar year or as soon after
3 that as practical and who shall act as chairman of the vacancy
4 board. If the vacancy board fails to fill the position within
5 fifteen days, the chairman shall, or if there is a vacancy in
6 the chairmanship the remaining members of the vacancy board
7 shall, petition the court of common pleas to fill the vacancy.
8 If two or more vacancies in the office of supervisor occur on a
9 three-member board, or three or more vacancies on a five-member
10 board, the court of common pleas shall fill the vacancies upon
11 presentation of petition signed by not less than fifteen
12 electors of the township. The successor so appointed shall hold
13 the office until the first Monday in January after the first
14 municipal election which occurs more than sixty days after the
15 vacancy occurs, at which election an eligible person shall be
16 elected for the unexpired term.

17 ARTICLE V

18 TOWNSHIP OFFICERS GENERALLY

19 [(a) General Provisions

20 Section 501. Oath of Office.--Every person elected or
21 appointed to any township office in any township shall, before
22 entering upon the duties of his office, take and subscribe an
23 oath or affirmation before some person having authority to
24 administer oaths, to support the Constitutions of the United
25 States and of this Commonwealth, and to perform the duties of
26 his office with fidelity. A copy of such oath or affirmation
27 shall, within ten days thereafter, be filed with the township
28 secretary.]

29 Section 501. Oath of Office.--Every person elected or
30 appointed to any township office shall, before assuming the

duties of the office, take and subscribe an oath or affirmation before a notary public, district justice or judge to support the Constitutions of the United States and of the Commonwealth and to perform the duties of the office with fidelity. A copy of the oath or affirmation shall be filed with the township secretary before assuming the duties of the office.

[Section 502. Bonds.--When any officer or employe of any township is required to give bond for the faithful performance of his duties, such bond shall be with a surety company or other company authorized by law to act as surety, and the township may pay the premium on such bond.]

Section 502. Bonds.--When any officer or employe of any township is required to give bond for the faithful performance of the duties of the office, the bond shall be with a surety company or other company authorized by law to act as surety, and the township may pay the premium on the bond.

[Section 503. Penalty for Failure to Perform Duties.--If any township officer refuses or neglects to perform his duties, the court of quarter sessions, upon complaint in writing by five percentum of the registered electors of the township, may issue a rule upon such officer to show cause why his office should not be declared vacant and another appointed in his stead. Such rule shall be made returnable not less than two weeks from its date of issue. Upon hearing, and proof that the facts alleged in the complaint are true, the court may declare the office vacant and appoint another in his stead, to hold office during the term of the officer deposed, or to make such other order as to the court may seem just and proper.]

Section 503. Removal for Failure to Perform Duties.--If any township officer fails to perform the duties of the office, the

1 court of common pleas, upon complaint in writing by ten percent
2 of the electors of the township, may issue a rule upon the
3 officer to show cause why the office should not be declared
4 vacant. The officer shall respond to the rule within thirty days
5 from its date of issue. Upon hearing, the court may declare the
6 office vacant and require the vacancy to be filled under section
7 407.

8 [Section 504. Road Complaints.--If any complaint shall
9 allege that the public roads and highways of any township are
10 not maintained in accordance with law, the court may appoint
11 three persons, who shall examine said highways and report to the
12 court their findings. In all such cases the complainants shall
13 first enter security, in such sum as the court may fix, to pay
14 all costs.]

15 ARTICLE VI

16 TOWNSHIP SUPERVISORS

17 [(b) Township Supervisors, Township Superintendent,
18 and Roadmasters

19 Section 510. Supervision of Affairs.--The general
20 supervision of the affairs of the township shall be in the hands
21 of three registered electors of the township, who shall be
22 styled township supervisors, except that when upon referendum
23 the election of two additional supervisors is provided for, the
24 general supervision of the affairs of the township shall be in
25 the hands of five registered electors of the township, who shall
26 be styled township supervisors.]

27 Section 601. Supervisors and Government of Townships.--
28 Townships shall be governed and supervised by boards of
29 supervisors. Boards of supervisors shall consist of three
30 members or, if approved by the electors under section 402(b),

1 five members.

2 [Section 511. Organization Meeting; Appointment of Secretary
3 and Treasurer.--The supervisors of each township shall meet, at
4 a convenient time and place, on the first Monday in January of
5 each year. If the first Monday is a legal holiday, the meeting
6 shall be held the first day following. At such time the township
7 supervisors shall organize as a board by electing one of their
8 number as chairman and another member as vice-chairman. The
9 board shall appoint a treasurer and a secretary. The secretary
10 shall be an individual, however the board may select either a
11 trust company, banking institution or an individual to serve as
12 treasurer, or the board may appoint one individual to serve as
13 both secretary and treasurer. The secretary-treasurer, secretary
14 or treasurer, may or may not be a member of the board. With
15 regard to boards of supervisors which are designated as three-
16 member boards, any supervisor who is to be considered by such a
17 board for secretary-treasurer, secretary or treasurer, shall not
18 be excluded from voting on the issue of such appointment; such
19 action by a supervisor shall be deemed to be within the scope of
20 authority as a supervisor and shall not be deemed to constitute
21 an illegal or an improper conflict of interest.

22 The meeting under this section may be considered as a regular
23 monthly meeting for the transaction of such business as comes
24 before it. The first order of business at this meeting shall be
25 organization of the board. Any action taken or business
26 transacted other than organization of the supervisors as a board
27 at any organization meeting held prior to the effective date of
28 this amending act, which is invalid for the reason that the
29 action was taken or business transacted at an organization
30 meeting, is hereby validated and confirmed.]

1 Section 602. Organization Meeting; Appointment of Secretary
2 and Treasurer.--(a) The board of supervisors shall meet, at a
3 convenient time and place, on the first Monday in January of
4 each year. If the first Monday is a legal holiday, the meeting
5 shall be held the following day. The board of supervisors shall
6 elect one member as chairman and another as vice-chairman, and
7 it shall appoint a treasurer and a secretary. The secretary
8 shall be an individual; however, the board of supervisors may
9 select either a trust company, a banking institution or an
10 individual to serve as treasurer, or the board of supervisors
11 may appoint one individual to serve as both secretary and
12 treasurer. Members of the board of supervisors may be appointed
13 as secretary-treasurer, secretary or treasurer.

14 (b) The meeting under this section may be considered a
15 regular monthly meeting of the board of supervisors. The first
16 order of business at this meeting shall be organization of the
17 board of supervisors.

18 [Section 512. Monthly Meetings; Quorum, Rent and Expenses.--
19 The township supervisors shall meet for the transaction of
20 business at least once each month, at a time and place to be
21 fixed by the board. Two members of any board of supervisors
22 consisting of three members shall constitute a quorum and three
23 members of any board of supervisors consisting of five members
24 shall constitute a quorum. Except as otherwise provided in this
25 act, an affirmative vote of a majority of the entire board of
26 supervisors shall be necessary in order to transact any
27 business. Necessary expenses incurred in such meetings,
28 including office rent, stationery, light and fuel, shall be paid
29 out of the general township fund.]

30 Section 603. Monthly Meetings; Quorum.--The board of

1 supervisors shall meet for the transaction of business at least
2 once each month, at a time and place determined by the board of
3 supervisors. A quorum is two members of a three-member board of
4 supervisors or three members of a five-member board of
5 supervisors. An affirmative vote of a majority of the entire
6 board of supervisors at a public meeting is necessary in order
7 to transact any business.

8 Section 604. Special Meetings.--Upon call of the chairman or
9 by agreement of a majority of its members, the board of
10 supervisors may schedule special meetings of the board of
11 supervisors after notice required under the act of July 3, 1986
12 (P.L.388, No.84), known as the "Sunshine Act." Notice of a
13 special meeting shall state the nature of the business to be
14 conducted at the meeting.

15 [Section 513. Minutes and Records.--The board of township
16 supervisors shall keep minutes of its proceedings, and such
17 other books as they may find necessary in the performance of
18 their duties. All such books shall be open for the inspection of
19 any elector, or taxpayer, or his, her or its representative, or
20 any representative of the Department of Community Affairs and
21 the Department of Highways at all reasonable times, and shall be
22 submitted to the township auditors when they meet to audit the
23 accounts of the treasurer and other township officers. The
24 township supervisors shall deliver such books, papers, and
25 accounts to their successors.

26 Section 513.1. Typewritten, Printed, Photostated and
27 Microfilmed Records, Valid Recording or Transcribing Records.--
28 All township records required to be recorded or transcribed
29 shall be deemed valid if typewritten, printed, photostated or
30 microfilmed, and where recording in a specified book of record

1 is required including minutes of the proceedings of the board of
2 supervisors such records may be recorded or transcribed in a
3 mechanical post binder book capable of being permanently sealed
4 with consecutively numbered pages with a security code printed
5 thereon and a permanent locking device with the township seal
6 being impressed upon each page, or bound book with pages being
7 consecutively numbered by transcribing directly upon the pages
8 of such book of record, or may be attached to such book of
9 record by stapling or by glue, or any other adhesive substance
10 or material, and all records heretofore recorded or transcribed
11 in any manner authorized by this section are validated. When any
12 record shall be recorded or transcribed after the effective date
13 of this amendment by attaching such record or a copy thereof to
14 the book of record as hereinabove provided, the township seal
15 shall be impressed upon each page to which such record is
16 attached, each impression thereof covering both a portion of the
17 attached record and a portion of the page of the book of record
18 to which such record is attached.]

19 Section 605. Minutes and Records.--(a) The board of
20 supervisors shall provide for the recording of minutes of its
21 proceedings and other books it may find necessary in the
22 performance of its duties. All books shall be open for the
23 inspection of any elector or taxpayer, or his, her or its
24 representative, or any representative of the Department of
25 Community Affairs and the Department of Transportation, at all
26 reasonable times. The records shall be made available to the
27 board of auditors during the annual audit. Unless the custodian
28 of the records agrees otherwise, the records shall be audited or
29 inspected at the place where they are normally maintained.
30 Supervisors who leave office shall deliver all township records

1 in their possession to their successors or to the township
2 secretary.

3 (b) All township records required to be recorded or
4 transcribed are valid if typewritten, printed, photostated or
5 microfilmed, and, where recording in a specified book of record
6 is required, including minutes of the proceedings of the board
7 of supervisors, the records may be recorded or transcribed in a
8 mechanical post binder book capable of being permanently sealed,
9 with consecutively numbered pages with a security code printed
10 thereon and a permanent locking device with the township seal
11 being impressed upon each page, or bound book with pages being
12 consecutively numbered by transcribing directly upon the pages
13 of the book of record, or may be attached to the book of record
14 by stapling or by glue or any other adhesive substance or
15 material, and all records previously recorded or transcribed in
16 any manner authorized by this section are validated. When any
17 record is recorded or transcribed by attaching the record or a
18 copy of it to the book of record, the township seal shall be
19 impressed upon each page to which the record is attached, each
20 impression covering both a portion of the attached record and a
21 portion of the page of the book of record to which the record is
22 attached.

23 (c) Original or certified copies of ordinances may also be
24 stored in a locking or mechanical post binder book, capable of
25 being permanently sealed, without being fastened onto pages in
26 the binder.

27 [Section 514. Road Districts; Superintendents and
28 Roadmasters.--The board of township supervisors, immediately
29 after their organization, shall divide the township into one or
30 more road districts. They shall employ a superintendent for the

1 entire township or a roadmaster for each district. Every
2 superintendent and roadmaster, so employed, must be a person
3 physically able to work on and maintain the roads. Township
4 supervisors may require such superintendents or roadmasters to
5 give bond, with a surety company or other company authorized by
6 law to act as surety, for the faithful performance of their
7 duties. The superintendent or roadmasters shall be subject to
8 removal by the board of supervisors. The supervisors shall fix
9 the wages to be paid, either per hour, per day, per week, semi-
10 monthly or monthly, to the superintendent or roadmasters and
11 laborers for work on the roads and bridges, which wages shall
12 not exceed wages paid in the locality for similar services.

13 This section shall not prohibit the township supervisors from
14 being employed as superintendents or roadmasters, or as
15 laborers, if physically able to work on and maintain the roads.
16 With regard to boards of supervisors which are designated as
17 three-member boards, any supervisor who is to be considered by
18 such a board for a position as a compensated employe of the
19 township, as authorized by this section, shall not be excluded
20 from voting on the issue of such appointment; such action by a
21 supervisor shall be deemed to be within the scope of authority
22 as a supervisor and shall not be deemed to constitute an illegal
23 or an improper conflict of interest. In such cases they shall
24 not employ a superintendent or roadmasters and their
25 compensation shall be fixed as hereinafter provided.

26 Two or more townships may appoint the same person as
27 superintendent.

28 Section 515. Compensation of Supervisors.--(a) Supervisors
29 may receive from the general township fund, as compensation, an
30 amount fixed by ordinance, not in excess of the following:

1	Township Population	Annual Maximum Compensation
2	Not more than 4,999	Fifteen hundred dollars
3	5,000 to 9,999	Two thousand dollars
4	10,000 to 14,999	Twenty-six hundred dollars
5	15,000 to 24,999	Thirty-three hundred dollars
6	25,000 to 34,999	Thirty-five hundred dollars
7	35,000 or more	Four thousand dollars

8 Such salaries shall be payable monthly or quarterly for the
9 duties imposed by the provisions of this act. The population
10 shall be determined by the latest available official census
11 figures, except that no township shall be required to reduce the
12 salary of a supervisor as a result of a decrease in population.
13 The compensation of supervisors, when acting as superintendents,
14 roadmasters or laborers, shall be fixed by the township auditors
15 either per hour, per day, per week, semi-monthly or monthly,
16 which compensation shall not exceed compensation paid in the
17 locality for similar services, and such other reasonable
18 compensation for the use of a passenger car, or a two-axled
19 four-wheeled motor truck having a chassis weight of less than
20 two thousand pounds and a maximum gross weight of five thousand
21 pounds, or a class 2 truck, having a maximum gross weight of
22 seven thousand pounds when required and actually used for the
23 transportation of road and bridge laborers and their hand tools
24 and for the distribution of cinders and patching material from a
25 stock pile, as the auditors shall determine and approve; but no
26 supervisor shall receive compensation as a superintendent or
27 roadmaster for any time he spends attending a meeting of
28 supervisors.

29 (b) Any benefit provided to or for the benefit of a
30 supervisor employed by the township as a superintendent,

1 roadmaster, laborer, secretary, treasurer or secretary/treasurer
2 in the form of inclusion in a pension plan paid for in whole or
3 in part by the township shall be deemed to be compensation
4 within the meaning of this act to the extent such benefit is
5 paid for by the township and shall be fixed by the township
6 auditors; however:

7 (1) Supervisors shall be eligible for inclusion in such
8 township pension plans only if they are employed by the township
9 in the capacity of superintendent, roadmaster, laborer,
10 secretary, treasurer or secretary/treasurer. In order to be
11 eligible for inclusion in such plans, supervisor-employees must
12 meet the same requirements as other employees of the township who
13 are eligible to participate in a pension plan. Such plans shall
14 not improperly discriminate in favor of a supervisor-employee.

15 (2) Once given, auditor approval for inclusion of
16 supervisor-employees shall not be rescinded in any subsequent
17 years so long as the pension plan remains in effect and said
18 supervisors remain employed by the township and continue to meet
19 the same requirements as other employees of the township who are
20 eligible to participate in a pension plan; nor shall the
21 auditors be empowered to act in any way that would cause the
22 disqualification of all or any portion of the pension plan under
23 the applicable Federal law.

24 (3) No change in the nature or rate of the contributions in
25 the case of a defined contribution plan and no change in the
26 benefit formula in the case of a defined benefit plan shall be
27 initiated by the board of supervisors with respect to a
28 supervisor-employee without auditor approval.

29 (4) A pension or annuity contract entered into by a township
30 between January 1, 1959, and March 31, 1985, that includes or

1 provides for benefits for supervisor-employees or retired
2 supervisor-employees at township expense shall not be void or
3 unlawful solely because such inclusion of supervisor-employees or
4 retired supervisor-employees was not previously approved by the
5 township auditors. No penalty, assessment, surcharge, forfeiture
6 or disciplinary action of any kind may occur as a result of such
7 participation by supervisor-employees.

8 (5) All premium, contribution or similar payments made by a
9 township on pension or annuity contracts on behalf of
10 supervisor-employees between January 1, 1959, and March 31, 1985,
11 which would have been proper but for the absence of auditor
12 approval, are hereby deemed ratified and approved. Any benefits
13 payable to any such supervisor-employee or his beneficiaries on
14 account of such premium, contribution or similar payments made
15 by a township during the aforementioned period shall continue.
16 Any such premium, contribution or similar payments made by a
17 township subsequent to March 31, 1985, shall require auditor
18 approval as provided in this subsection.

19 (6) If a supervisor-employee personally contributed toward a
20 township-sponsored pension plan or annuity that is not approved
21 by the township auditors or not deemed approved hereunder, he
22 shall receive a refund of his total contributions thereto, plus
23 any interest accumulated thereon. In lieu of a refund of
24 contributions plus accumulated interest, a supervisor-employee
25 who personally contributed toward a pension or annuity plan in
26 which he participated may elect to purchase that portion of his
27 pension or annuity funded by the township. The appropriate
28 compensation to be paid to the township by the supervisor-
29 employee shall be determined by a qualified actuary who shall
30 report his determination in accordance with the act of December

1 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension
2 Plan Funding Standard and Recovery Act."

3 (7) Township supervisors who are not employees of the
4 township shall not be eligible for participation in any pension
5 or annuity contract paid in whole or in part by the township. No
6 township supervisor who was not an employee of the township but
7 was included in a township-paid pension or annuity plan entered
8 into by a township between January 1, 1959, and March 31, 1985,
9 shall be subject to any penalty, assessment, surcharge,
10 forfeiture or disciplinary action of any kind as a result of
11 said participation. Any residual interest, value, refund of
12 premium or benefits payable on or after March 31, 1985, arising
13 out of the township-paid interest of a non-employee supervisor
14 shall become the exclusive property of the township.

15 (c) In addition to the compensation authorized under this
16 section, supervisors while in office or while in the employ of
17 the township may be eligible for inclusion in township-paid
18 insurance plans, as follows:

19 (1) Supervisors and their dependents shall be eligible for
20 inclusion in group life, health, hospitalization, medical
21 service and accident insurance plans paid in whole or in part by
22 the township. No policy of group life insurance shall contain
23 any provision for the accrual or deferral of a cash surrender
24 value, loan value or any other nonforfeitable benefit, in
25 addition to or beyond the face amount of insurance, that shall
26 inure to the benefit of the supervisor, any beneficiary or any
27 other individual having an insurable interest in the life of a
28 supervisor. Such insurance, however, may contain a provision
29 that when the insurance, or any portion of it, on a person
30 covered under the policy ceases because of termination of

1 employment or the termination of the insured's term of office,
2 such person shall be entitled to have issued to him by the
3 insurer, without evidence of insurability, an individual policy
4 of insurance on any form customarily issued by the insurer at
5 the age and for the amount applied for if: (i) such amount is
6 not in excess of the amount of life insurance which ceases
7 because of such termination; and (ii) the application for the
8 individual policy is made and first premium is paid to the
9 insurer within thirty-one days after such termination.

10 Participation by supervisors shall not require auditor approval.
11 Such insurance shall be uniformly applicable to those covered
12 and shall not improperly discriminate in favor of supervisors.

13 (2) Any life, health, hospitalization, medical service or
14 accident insurance coverage contract entered into by a township
15 between January 1, 1959, and March 31, 1985, that includes or
16 provides coverage for non-employee supervisors shall not be void
17 or unlawful solely because such inclusion of non-employee
18 supervisors was subsequently found to be without lawful
19 authority. No penalty, assessment, surcharge, forfeiture or
20 disciplinary action of any kind may occur as a result of
21 participation by non-employee supervisors. Insurance benefits
22 payable to insureds or their beneficiaries arising out of or on
23 account of deaths, injuries, accidents or illnesses occurring
24 prior to the effective date of this amendatory act shall remain
25 the property of the insureds or their beneficiaries.

26 (3) All payments made by a township on any group life,
27 health, hospitalization, medical service or accident insurance
28 coverage contracts on behalf of non-employee supervisors between
29 January 1, 1959, and March 31, 1985, which would have been
30 proper but for the absence of auditor approval, are hereby

1 deemed ratified and approved. Any benefits payable to any such
2 non-employee supervisor or his beneficiaries on account of such
3 payments made by a township during the aforementioned period
4 shall continue.

5 (4) Supervisors and their dependents, whether or not they
6 are employed by the township, shall also be eligible for
7 inclusion in township group life, health, hospitalization,
8 medical service and accident insurance plans if they pay their
9 pro rata share of the premium. Their inclusion in such plans
10 shall not require auditor approval, but shall require the
11 submission of a letter requesting such participation at a
12 regularly scheduled meeting of the board of township supervisors
13 prior to commencing such participation. Such insurance shall be
14 uniformly applicable to those covered and shall not give
15 eligibility preference to, or improperly discriminate in favor
16 of, supervisors.]

17 Section 606. Compensation of Supervisors.--(a) Supervisors
18 may receive as compensation an amount established by ordinance
19 not in excess of the following:

<u>Township</u>	<u>Annual Maximum</u>
<u>Population</u>	<u>Compensation</u>
<u>not more than 4,999</u>	<u>\$1,500</u>
<u>5,000 to 9,999</u>	<u>\$2,000</u>
<u>10,000 to 14,999</u>	<u>\$2,600</u>
<u>15,000 to 24,999</u>	<u>\$3,300</u>
<u>25,000 to 34,999</u>	<u>\$3,500</u>
<u>35,000 or more</u>	<u>\$4,000</u>

28 Salaries are payable monthly or quarterly for the duties imposed
29 by this act. The population is determined by the latest official
30 census figures, except that no township shall be required to

1 reduce the salary of a supervisor as a result of a decrease in
2 population. The compensation of supervisors, when employed as
3 roadmasters, laborers, secretary, treasurer, assistant
4 secretary, assistant treasurer or in any employe capacity not
5 otherwise prohibited by this or any other act, shall be
6 determined by the board of auditors, at an hourly, daily,
7 weekly, semi-monthly or monthly basis, which shall be comparable
8 to compensation paid in the locality for similar services. The
9 board of supervisors may establish a mileage allowance, under
10 the act of July 20, 1979 (P.L.156, No.51), referred to as the
11 Uniform Mileage Fee Law, to be paid to officers and employes for
12 the use of a personal vehicle when required and actually used
13 for authorized township business. No supervisor may receive
14 compensation as an employe for attending a meeting of the board
15 of supervisors. Supervisors may continue to be compensated under
16 prior law until such time as an ordinance is enacted under this
17 act. Any change in salary, compensation or emoluments of the
18 elected office becomes effective at the beginning of the next
19 term of the supervisor.

20 (b) Any benefit provided to or for the benefit of a
21 supervisor employed by the township in any employe capacity
22 under this act in the form of inclusion in a pension plan paid
23 for in whole or in part by the township is compensation within
24 the meaning of this act to the extent that benefit is paid for
25 by the township and is determined by the board of auditors;
26 however:

27 (1) Supervisors are eligible for inclusion in township
28 pension plans only if they are employed by the township in any
29 employe capacity under this act. In order to be eligible for
30 inclusion in the plans, supervisor-employees must meet the same

requirements as other employes of the township who are eligible to participate in a pension plan. Pension plans shall not improperly discriminate in favor of a supervisor-employee.

(2) Once given, auditor approval for inclusion of supervisor-employees shall not be rescinded in any subsequent years as long as the pension plan remains in effect and the supervisors remain employed by the township and continue to meet the same requirements as other employes of the township who are eligible to participate in a pension plan; nor shall the auditors act in any way that disqualifies the pension plan under Federal law.

(3) No change in the nature or rate of the contributions of a defined contribution plan and no change in the benefit formula of a defined benefit plan shall be initiated by the board of supervisors with respect to a supervisor-employee without auditor approval.

(4) A pension or annuity contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides for benefits for supervisor-employees or retired supervisor-employees at township expense is not void or unlawful solely because the inclusion of supervisor-employees or retired supervisor-employees was not previously approved by the township auditors. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of that participation by supervisor-employees.

(5) All premium, contribution or similar payments made by a township on pension or annuity contracts on behalf of supervisor-employees between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval are hereby approved. Any benefits payable to any

supervisor-employee or his beneficiaries on account of any premium, contribution or similar payments made by a township during that period shall continue. Any premium, contribution or similar payments made by a township after March 31, 1985, requires auditor approval under this subsection.

(6) If a supervisor-employee personally contributed toward a township-sponsored pension plan or annuity that is not approved by the township auditors or not approved by this act, he shall receive a refund of his total contributions thereto plus any interest accumulated thereon. In lieu of a refund of contributions plus accumulated interest, a supervisor-employee who personally contributed toward a pension or annuity plan in which he participated may elect to purchase that portion of his pension or annuity funded by the township. A qualified actuary, who shall report his determination under the act of December 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," shall determine the amount the supervisor-employee shall pay to purchase the township-funded portion of the annuity or pension.

(7) Supervisors who are not employees of the township are not eligible for participation in any pension or annuity contract paid in whole or in part by the township. No supervisor who was not an employee of the township but was included in a township-paid pension or annuity plan made by a township between January 1, 1959, and March 31, 1985, is subject to any penalty, assessment, surcharge, forfeiture or disciplinary action. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of a supervisor who was not an employee is the exclusive property of the township.

1 (c) In addition to the compensation authorized under this
2 section, supervisors while in office or while in the employ of
3 the township may be eligible for inclusion in township-paid
4 insurance plans, as follows:

5 (1) Supervisors and their dependents are eligible for
6 inclusion in group life, health, hospitalization, medical
7 service and accident insurance plans paid in whole or in part by
8 the township. No policy of group life insurance shall contain
9 any provision for a cash surrender value, loan value or any
10 other benefit beyond the face amount of insurance. The policy
11 may contain a provision that when the insurance ceases because
12 of termination of employment or term of office, the person is
13 entitled to have issued to him by the insurer, without evidence
14 of insurability, an individual policy of insurance on any form
15 customarily issued by the insurer at the age and for the amount
16 applied for if the amount is not in excess of the amount of life
17 insurance which ceases because of the termination and the
18 application for the individual policy is made and first premium
19 is paid to the insurer within thirty-one days after termination.
20 Participation by supervisors does not require auditor approval.
21 Such insurance shall be uniformly applicable to those covered
22 and shall not improperly discriminate in favor of supervisors.

23 (2) Any life, health, hospitalization, medical service or
24 accident insurance coverage contract made by a township between
25 January 1, 1959, and March 31, 1985, that includes or provides
26 coverage for supervisors not employed by the township is not
27 void or unlawful because inclusion of those supervisors was
28 subsequently found to be without lawful authority. No penalty,
29 assessment, surcharge, forfeiture or disciplinary action may
30 occur as a result of participation by those supervisors.

Insurance benefits paid or payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring before March 30, 1988, are the property of the insureds or their beneficiaries.

(3) All payments made by a township on any group life, health, hospitalization, medical service or accident insurance coverage contracts on behalf of supervisors who were not employes between January 1, 1959, and March 31, 1985, which would have been proper but for the absence of auditor approval are hereby approved. Any benefits payable to any supervisor or his beneficiaries on account of those payments during that time shall continue.

(4) Supervisors and their dependents, whether or not they are employed by the township, are eligible for inclusion in township group life, health, hospitalization, medical service and accident insurance plans if they pay their share of the premium. Their inclusion in those plans does not require auditor approval, but does require the submission of a letter requesting participation at a regularly scheduled meeting of the board of supervisors before commencing participation. The insurance shall be uniformly applicable to those covered and shall not give eligibility preference to or improperly discriminate in favor of supervisors.

(5) The township may deduct from any compensation payable to a supervisor such part of any insurance premium or charge which is payable by the supervisor within the terms of the particular township's insurance plan.

[Section 516. Duties of Supervisors, Township Superintendents, and Roadmasters.--The township supervisors, or the supervisors employed as superintendents or roadmasters,

1 shall--

2 (a) Have the general care and superintendence of the
3 improvement of the roads and bridges in the township, except as
4 otherwise specially provided.

5 (b) Cause such roads and bridges to be kept in repair and
6 reasonably free from all obstructions, and give the necessary
7 directions therefor.

8 (c) Inspect all roads and bridges during the months of April
9 and October of each year.

10 (d) Divide the township into as many districts as may be
11 deemed necessary for the maintenance and repair of the roads and
12 the opening of roads obstructed by snow.

13 (e) Employ or hire such persons, as may be necessary for the
14 general conduct of the business of the township, and provide for
15 the organization and supervision of the persons so employed, and
16 work on the roads themselves when directed to do so by the board
17 of supervisors. Records shall be kept, and reports made and
18 filed, giving the names of all persons employed, including
19 supervisors, superintendent or roadmasters, dates on which work
20 was done, and the number of hours worked with compensation paid
21 to each person and the capacity in which he is employed.

22 (f) Construct and keep in repair all sluices and culverts,
23 and keep the waterways, bridges and culverts open.

24 (g) Cause loose stones lying in the beaten track of every
25 road to be removed. Stones so removed shall be conveyed to some
26 place from which they will not work back or be brought back into
27 the track by other implements used in repairing or maintaining
28 such highways.

29 (h) Attend meetings and conventions if directed to do so by
30 the board of supervisors. Any supervisor, elected or appointed

1 officer or township employe shall, if directed by the board of
2 supervisors, attend any conference, institute or school dealing
3 with the duties and functions of such elected or appointed
4 officers or employes. The expenses for attending the
5 conferences, institutes and schools may be paid by the township
6 and shall be limited to the registration fee, mileage for use of
7 a personal vehicle or reimbursement of actual transportation
8 expense going to and returning from such meeting plus all other
9 actual expenses that the township board of supervisors may have
10 agreed to pay. Every delegate attending the meeting shall submit
11 to the township board of supervisors an itemized account of
12 expenses incurred thereat. The township board of supervisors may
13 authorize township employes to be compensated at their regular
14 employe rate during their attendance at the meeting.

15 (i) Perform such other duties and have such other powers
16 with respect thereto as may be imposed or conferred by law or
17 the rules and regulations of the Department of Highways.

18 The roadmasters or superintendents or supervisors, acting in
19 either capacity, shall--

20 (j) Report monthly to the board of supervisors, such
21 information as may be required by the Department of Highways, in
22 the form prescribed by the department.

23 (k) Inspect all roads and bridges at such times as the
24 township supervisors shall direct, except during the months of
25 April and October.

26 (l) Have power to relocate, widen, deepen, and straighten
27 the channels of streams, and rip, rap, and otherwise protect the
28 banks of streams in order to protect roads, prevent erosion, and
29 prevent floods in the township: Provided, That the consent of
30 the Water and Power Resources Board to any such project has

1 first been secured.

2 (m) When authorized to do so by general or special order of
3 the township supervisors, to do or cause to be done all work
4 necessary to carry out the responsibilities imposed upon the
5 township supervisors by subsections (a), (b), (e), (f), (g), and
6 (i) of this section.]

7 Section 607. Duties of Supervisors.--The board of
8 supervisors shall:

9 (1) Be charged with the general governance of the township
10 and the execution of legislative, executive and administrative
11 powers in order to ensure sound fiscal management and to secure
12 the health, safety and welfare of the citizens of the township.

13 (2) Have the responsibility for maintenance of township-
14 owned equipment and facilities.

15 (3) Employ persons as may be necessary for the general
16 conduct of the business of the township and provide for the
17 compensation, organization and supervision of the persons so
18 employed. Records shall be kept and reports made and filed
19 giving the names of all persons employed, dates on which work
20 was done and the number of hours worked with compensation paid
21 to each person and the capacity in which employed.

22 (4) Authorize attendance at conferences, institutes, schools
23 and conventions. Any supervisor, elected or appointed officer or
24 township employe may, if directed by the board of supervisors,
25 attend any conference, institute, school or convention dealing
26 with the duties and functions of elected or appointed officers
27 or employes. The expenses for attending the meetings may be paid
28 by the township and are limited to the registration fee, mileage
29 for the use of a personal vehicle or reimbursement of actual
30 transportation expense going to and returning from the meeting

1 plus all other actual expenses that the board of supervisors
2 agrees to pay. Every attendee shall submit to the board of
3 supervisors an itemized account of expenses incurred at the
4 meeting. The board of supervisors may authorize employes to be
5 compensated at their regular employe rate during their
6 attendance at the meeting.

7 (5) Annually, on or before the first day of February,
8 furnish to the board of auditors information on the construction
9 or maintenance of roads, or other matters that may be required
10 by any department of the Commonwealth to be included in the
11 annual township report.

12 (6) Provide for the annual tax duplicate to be prepared and
13 presented to the tax collector.

14 (7) Perform duties and exercise powers as may be imposed or
15 conferred by law or the rules and regulations of any agency of
16 the Commonwealth.

17 [Section 517. Road Contracts.--The board of township
18 supervisors may make a contract for the improvement and keeping
19 in repair of not more than ten miles of road. No such contract
20 shall extend over a period of more than four years, nor shall it
21 be given unless approved of and signed by at least two members
22 of the board of township supervisors. Every contractor for road
23 work shall give bond for the amount of such contract, and sign
24 specifications furnished by the township supervisors for the
25 building and care of such contract roads.

26 Section 518. Annual Township Report; Duties of
27 Supervisors.--The board of supervisors annually, on or before
28 the first day of February in each year, shall furnish to the
29 township auditors such accurate information concerning the
30 construction, reconstruction, maintenance and repair of the

1 roads, the repair and purchase of equipment and machinery, and
2 road mileage, as may be required, in order to enable the
3 auditors to make the annual township report hereinafter
4 prescribed.

5 Section 519. Applications for County Road Aid.--Whenever the
6 owners of the majority of the assessed valuation of real
7 property within any township desire any principal road within
8 the township to be improved and maintained at the joint expense
9 of the county and township, they may petition the supervisors of
10 the township for said improvement, and require them to make
11 application to the county commissioners for such improvement and
12 maintenance in accordance with the provisions of existing law.

13 In all cases where the township supervisors refuse to act
14 upon, or unduly delay action on, any petition for the
15 improvement and maintenance of any road, as herein provided, any
16 registered elector or taxpayer of the township or county may, by
17 petition, present the facts of the matter to the court of
18 quarter sessions, requesting the court to order such action
19 thereon as the case may require. If after due hearing had before
20 said court it shall appear that the truth of the matters alleged
21 in the petition are sustained, the court shall make an order
22 directing the township supervisors to forthwith act upon said
23 application or applications, and that the said application or
24 petition for the improvement be forthwith forwarded to the
25 county commissioners.

26 Section 520. Interest in Contracts and Purchases; Penalty.--
27 Except as otherwise provided in section 802 of this act any
28 township supervisor, superintendent, or roadmaster who is
29 knowingly interested directly or indirectly, in any purchase
30 made or contract relating to roads and bridges, or for a

1 compensation furnishes any materials therefor is guilty of a
2 misdemeanor, and upon conviction thereof, shall be sentenced to
3 pay a fine not exceeding five hundred dollars or undergo
4 imprisonment not exceeding six months, or both, and shall
5 forfeit his office.

6 Section 521. Violation of Act Generally; Penalty.--Any
7 township supervisor, township superintendent, roadmaster, or
8 contractor, employed to work on the roads and bridges of any
9 township, or any other person including any corporation officer
10 or employe, who violates any of the provisions of this act,
11 other than those for the violation of which specific penalties
12 are provided, or who fails, or neglects, or refuses to carry out
13 the provisions of this act, shall, upon conviction thereof in a
14 summary proceeding, be sentenced to pay a fine of not less than
15 ten dollars and not more than fifty dollars, and in default of
16 the payment of such fine and costs, shall be sentenced to
17 imprisonment of not more than twenty-five days. All such fines
18 shall be paid to the township treasurer and credited to the
19 general township fund.]

20 ARTICLE VII

21 TOWNSHIP TREASURER

22 [(c) Township Treasurer]

23 Section 701. Township Treasurer.--The board of supervisors
24 shall appoint a township treasurer to serve at the pleasure of
25 the board of supervisors.

26 [Section 530. Bond.--The treasurer appointed by the board of
27 township supervisors, if an individual, shall give bond, with a
28 surety company or other company authorized by law to act as
29 surety to be approved as to the amount thereof by and filed with
30 the auditors of the township, conditioned that the treasurer

1 shall well and truly account for and pay over all moneys
2 collected or received for the township, and all moneys paid by
3 the State to the township and received by him, only upon a
4 written order signed by two members of the board of supervisors;
5 for the delivery to his successor in office of all books,
6 papers, and documents; for the payment to such successor of any
7 balance of money belonging to the township that may remain in
8 his hands; and for the faithful performance of the duties of his
9 office.]

10 Section 702. Treasurer's Bond.--The township treasurer, if
11 an individual, shall give bond with a surety company in an
12 amount established by the board of auditors for the faithful
13 performance of the duties of the office. The amount of the bond
14 shall equal the highest amount of township funds estimated by
15 the board of auditors to be available to the township treasurer
16 at any time during the current year. The bond shall be filed
17 with the board of auditors of the township.

18 [Section 531. Compensation.--The township treasurer shall
19 receive, as compensation for his services, salary, wages or a
20 certain percentage on all moneys received and paid by him, which
21 compensation shall be determined by the supervisors of the
22 townships.

23 Except as otherwise provided in section 540 hereof, the
24 amount paid to the treasurer as treasurer and secretary, shall
25 be determined by the board of supervisors, except that where a
26 supervisor is serving as secretary and/or treasurer the auditors
27 shall fix the compensation.]

28 Section 703. Treasurer's Compensation.--The board of
29 supervisors shall determine the compensation of the township
30 treasurer. When a supervisor is appointed as township treasurer,

1 the board of auditors shall determine the compensation.

2 [Section 532. Duties.--The township treasurer shall receive
3 all moneys due the township and deposit the same promptly upon
4 receipt thereof in a bank, banking institution, or trust company
5 in the name of the township. He shall keep distinct and accurate
6 accounts of all sums received from taxes and other sources,
7 which accounts shall be open to the inspection of the
8 supervisors and taxpayers of the township. He shall pay out all
9 moneys received by him only on orders drawn by the supervisors
10 of the township. He shall annually state his accounts, and lay
11 the same, together with the vouchers, before the township
12 auditors for settlement.]

13 Section 704. Treasurer's Duties.--The township treasurer
14 shall:

15 (1) Receive all moneys due the township and deposit them
16 promptly in a designated depository in the name of the township.

17 (2) Keep distinct and accurate accounts of all sums received
18 from taxes and other sources, which accounts shall be open to
19 the inspection of the board of supervisors and any citizen of
20 this Commonwealth.

21 (3) Pay out all moneys of the township only on direction by
22 and upon a written order signed by a majority of the members of
23 the board of supervisors.

24 (4) Annually state the accounts and make them available to
25 the board of auditors for settlement.

26 (5) Preserve the account books, papers, documents and other
27 records of the office and turn them over to the successor in
28 office.

29 Section 705. Assistant Treasurer.--The board of supervisors
30 may appoint an assistant treasurer who shall assist the township

treasurer or, in the absence or disability of the township treasurer, perform the duties of the township treasurer. The assistant treasurer may be appointed from the membership of the board of supervisors. The assistant treasurer shall be bonded for the same amount as the township treasurer when acting in the capacity of township treasurer. The board of supervisors shall determine the compensation of the assistant treasurer. When a supervisor is appointed assistant treasurer, the board of auditors shall determine the compensation.

[Section 533. Use of Special Funds; Penalty.--Whenever any moneys are collected in or received by any township for any special purpose, and are paid into the hands of the treasurer of such township, it shall be unlawful for such treasurer to apply such moneys, or any part thereof, to any purpose other than that for which such moneys were collected or received. Every such misapplication shall be a misdemeanor, and upon conviction thereof, the treasurer shall be sentenced to pay a fine of not less than the amount so misapplied, or undergo imprisonment for not more than one year, or both.]

Section 706. Use of Special Funds; Penalty.--When any moneys are collected for any special purpose, no township treasurer or board of supervisors may apply those moneys to any purpose other than that for which they were collected. Every misapplication shall be a misdemeanor of the third degree and, in addition to the fine or penalty which may be imposed upon conviction, the defendant shall be required to pay restitution in the amount of moneys improperly spent.

[Section 534. Penalty for Failure to Perform Duties.--Any township treasurer who fails or neglects or refuses to perform any of the duties of his office, other than those for which

1 specific penalties are provided, upon conviction thereof in a
2 summary proceeding, shall be sentenced to pay a fine of not more
3 than one hundred dollars, and in default of the payment of such
4 fine and costs, shall be sentenced to imprisonment of not more
5 than thirty days, and shall be disqualified from holding the
6 office.]

7 Section 707. Penalty for Failure to Perform Duties.--A
8 township treasurer or assistant treasurer who fails to perform
9 any duties of the office other than those for which specific
10 penalties are provided commits a summary offense and, in
11 addition to the fine or penalty which may be imposed upon
12 conviction, is required to pay to the township an amount equal
13 to the amount of the financial loss that occurred, if any, for
14 not performing the duties of the office. That person is
15 disqualified from holding the office of township treasurer or
16 assistant treasurer.

17 [Section 535. Depositories of Township Funds.--The township
18 supervisors may, at their annual organization meeting, or as
19 soon thereafter as is practicable, designate, by resolution, a
20 depository or depositories for township funds, and fix and
21 approve the security to be furnished by any such depository:
22 Provided, That any such funds deposited with any banking
23 institution of this Commonwealth may be insured with the Federal
24 Deposit Insurance Corporation, or any other corporation
25 hereafter organized by the United States for the purpose of
26 insuring deposits, up to the amount to which such corporation
27 is, or may hereafter be, authorized to insure deposits, in any
28 one name, and where so insured the supervisors shall not require
29 such banking institution to furnish additional bond, insurance
30 or security to cover the amount of such deposits so insured.

1 Such designation shall be valid for a period of one year or
2 until such time as another depository or other depositories
3 shall be designated by similar action of the township
4 supervisors.

5 Such depository, or depositories shall be banks, banking
6 institutions, or trust companies located in the Commonwealth.

7 The township treasurer shall, upon the designation of such
8 depository or depositories, immediately transfer thereto the
9 township funds, and shall thereafter keep such deposits solely
10 in such depository or depositories in the name of the township.

11 No township treasurer, complying with the provisions of this
12 section, nor his surety or sureties, shall be chargeable with
13 losses of township funds caused by the failure or negligence of
14 such depository or depositories.]

15 Section 708. Depositories of Township Funds.--(a) The board
16 of supervisors shall designate, by resolution, a depository or
17 depositories for township funds. Any funds deposited with any
18 banking institution of this Commonwealth shall be insured with
19 the Federal Deposit Insurance Corporation, the National Credit
20 Union Share Insurance Fund, the Pennsylvania Deposit Insurance
21 Corporation or the Pennsylvania Savings Association Insurance
22 Corporation, or their successor agencies, to the extent that
23 accounts are so insured. The board of supervisors shall require
24 each banking institution to furnish additional bond, insurance
25 or security to cover the amount of any deposits in excess of the
26 insured limits. The designation is valid for a period of one
27 year or until another depository or other depositories are
28 designated by similar action of the board of supervisors.

29 (b) The depository or depositories shall be banks, banking
30 institutions or trust companies located in this Commonwealth.

1 (c) The township treasurer or assistant treasurer shall,
2 upon the designation of the depository or depositories by the
3 board of supervisors, immediately transfer thereto the township
4 funds and after that make deposits solely in the depository or
5 depositories in the name of the township.

6 (d) No township treasurer or assistant treasurer complying
7 with the provisions of this section, nor his surety or sureties,
8 shall be chargeable with losses of township funds caused solely
9 by the failure or negligence of the depository or depositories.

10 ARTICLE VIII

11 TOWNSHIP SECRETARY

12 [(d) Township Secretary]

13 Section 801. Township Secretary.--The board of supervisors
14 shall appoint a township secretary to serve at the pleasure of
15 the board of supervisors.

16 [Section 540. Duties and Compensation.--The secretary in
17 each township shall be clerk to the board of supervisors. He
18 shall keep a record of the proceedings of said officers in a
19 minute book in which he shall also record all court orders
20 relative to the laying out, opening and vacating of roads. The
21 minute book, account book and other financial records shall be
22 carefully preserved by the secretary and shall be turned over to
23 his successor in office. Miscellaneous records and papers of the
24 township other than the minute book and account book may be
25 destroyed with the consent of the supervisors after the lapse of
26 six years from the date of such records.

27 The secretary shall prepare and write the annual tax
28 duplicate of the township, and shall receive such salary, wages
29 or other compensation therefor as shall be fixed by the township
30 supervisors. The amount paid to the secretary and treasurer as

1 salary, wages or other compensation for services, shall be
2 determined by the board of supervisors, except that where a
3 supervisor is serving as secretary and/or treasurer the auditors
4 shall fix the compensation.

5 The secretary shall inform all members of the board of
6 supervisors of all functions and meetings, including special
7 meetings of the board.]

8 Section 802. Secretary's Duties.--The township secretary is
9 a clerk to the board of supervisors. The township secretary
10 shall:

11 (1) Record the proceedings of the board of supervisors and
12 all court orders relative to the laying out, opening and
13 vacating of roads in a minute book.

14 (2) Preserve the minute book and other records and turn them
15 over to the successor in office.

16 (3) With the consent of the board of supervisors and in
17 conformity with other laws governing the retention and
18 disposition of municipal records, have the authority to destroy
19 records and papers of the township other than the minute book
20 and account book after the lapse of six years from the date of
21 the records.

22 (4) Inform supervisors of all township meetings, including
23 special meetings of the board of supervisors.

24 Section 803. Secretary's Compensation.--The board of
25 supervisors shall determine the compensation of the township
26 secretary. When a supervisor is appointed township secretary,
27 the board of auditors shall determine the compensation.

28 [Section 543. Assistant Secretary.--Every board of township
29 supervisors may, by resolution, appoint an assistant secretary
30 who shall, in the absence or disability of the secretary,

1 perform the duties and exercise the powers of the secretary. The
2 assistant secretary may be appointed from the membership of the
3 board of township supervisors but shall not be any other officer
4 thereof, shall receive compensation for such services not
5 exceeding the compensation of the secretary, and shall be
6 bonded. The assistant secretary shall not be compensated for any
7 period of time for which the secretary is compensated.]

8 Section 804. Assistant Secretary.--The board of supervisors
9 may appoint an assistant secretary who shall assist the township
10 secretary or, in the absence or disability of the township
11 secretary, perform the duties of the township secretary. The
12 assistant secretary may be appointed from the membership of the
13 board of supervisors. The board of supervisors shall determine
14 the compensation of the assistant secretary. When a supervisor
15 is appointed assistant secretary, the board of auditors shall
16 determine the compensation.

17 ARTICLE IX

18 AUDITORS; ACCOUNTANTS

19 [(e) Township Auditors

20 Section 545. Meetings; Duties; Quorum; Surcharges;
21 Compensation.--The auditors of townships shall meet annually, at
22 the place of meeting of the supervisors, on the day following
23 the day which is fixed by this act for organization of the
24 township supervisors; and shall organize by the election of a
25 chairman and secretary, and shall audit, settle, and adjust the
26 accounts of the supervisors, superintendents, roadmasters,
27 treasurer, and tax collector of the township, and fix the
28 compensations for the current year authorized in section 515
29 hereof. Two auditors shall constitute a quorum. The auditors
30 shall also make an audit of the dockets, transcripts, and other

1 official records of the justices of the peace to determine the
2 amounts of fines and costs paid over or due the township, and
3 the dockets and records of the justices of the peace shall be
4 open to inspection by the auditors for such purpose. Unless
5 otherwise agreed to by the auditors and the officer being
6 audited, the audit shall be conducted at the place the records
7 of the officer are normally kept.

8 Upon the death or resignation of any of the above officers
9 the auditor, upon call of the chairman, shall meet and audit the
10 accounts of the former incumbent, and at that time fix the
11 compensation of his successor if authorized by this act to fix
12 the compensation for such office.

13 Any elected or appointed officer, whose act, error or
14 omission has contributed to the financial loss of any township,
15 shall be surcharged by the auditors with the amount of such
16 loss, and the surcharge of any such officer shall take into
17 consideration as its basis, the results of such act, error or
18 omission and the results had the procedure been strictly
19 according to law. The provisions hereof limiting the amount of
20 any surcharge shall not apply to cases involving fraud or
21 collusion on the part of such officers, nor to any penalty
22 ensuing to the benefit of or payable to the Commonwealth.

23 Each auditor shall receive thirty dollars per diem for each
24 day necessarily employed in the duties of his office, to be paid
25 out of the funds of the township. In no event shall any auditor
26 in a township having a population of ten thousand (10,000) or
27 less be entitled to receive more than six hundred dollars (\$600)
28 for any calendar year. In no event shall any auditor in a
29 township having a population in excess of ten thousand (10,000)
30 be entitled to receive more than twelve hundred dollars (\$1,200)

1 for any calendar year. A day shall consist of not less than five
2 hours in the aggregate.]

3 Section 901. Township Auditors; Meetings; Duties; Quorum.--

4 (a) The board of auditors shall meet annually, at the place of
5 meeting of the board of supervisors, on the day following the
6 day designated by this act for organization of the board of
7 supervisors; and they shall organize by the election of a
8 chairman and secretary. The board of auditors shall audit,
9 settle and adjust the accounts of all elected or appointed
10 officials of the township and its boards or agencies that
11 received or disbursed funds of or owing to the township during
12 the immediately preceding calendar year. The board of auditors
13 shall determine the compensations for the current year
14 authorized in section 606 for supervisors employed by the
15 township. Two auditors shall constitute a quorum. The auditors
16 may also make an audit of the dockets, transcripts and other
17 official records of the district justices to determine the
18 amount of fines and costs paid over or due the township, and the
19 dockets and records of the district justices shall be open to
20 inspection by the auditors for that purpose. Unless otherwise
21 agreed to by the board of auditors and the officer being
22 audited, the audit shall be conducted at the place the records
23 of the officer are normally kept.

24 (b) Upon the death or resignation of any of the officials
25 designated in this section to be audited, the board of auditors,
26 upon call of the chairman, shall meet and audit the accounts of
27 the former incumbent and determine the compensation of the
28 successor if so authorized by this act.

29 Section 902. Auditor's Compensation.--(a) Each auditor
30 shall receive seven dollars (\$7) for each hour necessarily

employed in the duties of the office upon presentation to the board of supervisors of an itemized listing of the dates, times, places and hours worked to perform the audit. No auditor in a township having a population of ten thousand or less is entitled to receive more than seven hundred dollars (\$700) for completing the annual audit, settlement and adjustment. No auditor in a township having a population in excess of ten thousand is entitled to receive more than fourteen hundred dollars (\$1,400) for completing the annual audit, settlement and adjustment.

(b) In addition to the time actually used by the board of auditors to complete the audit, settlement and adjustment, each auditor may be compensated at the rate of seven dollars (\$7) each hour for not more than fifty hours to audit the accounts of any public official who handles public funds when a vacancy occurs in the office of the public official.

(c) Each auditor shall be reimbursed for travel costs incurred in the performance of the auditing duties at the rate established by the board of supervisors under the act of July 20, 1979 (P.L.156, No.51), referred to as the Uniform Mileage Fee Law, and for other expenses, including postage, notary fees or publication costs, incurred during the audit.

[Section 546. Subpoenas; Oaths; Perjury.--The auditors of each township may issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust, their executors and administrators, and of any person whom it may be necessary to examine as a witness, and to compel their attendance, by attachment, in like manner as any court of common pleas may in cases pending before them and may also compel the production of all books, vouchers, and papers relative to such accounts. Such subpoena and attachment shall be issued by a

1 justice of the peace and be served by a constable or auditor of
2 the township. The auditors of each township may administer oaths
3 and affirmations to all persons brought or appearing before
4 them, whether accountants, witnesses, or otherwise. All persons
5 guilty of swearing or affirming falsely on such examination
6 shall be guilty of perjury.]

7 Section 903. Subpoenas; Oaths; Perjury.--The board of
8 auditors may issue subpoenas to obtain the attendance of the
9 officers whose accounts they are required to audit or adjust, of
10 their executors and administrators and of any person whom it may
11 be necessary to examine as a witness and to compel their
12 attendance, by attachment, the same as any court of common pleas
13 may in cases pending before them and may also compel the
14 production of all books, vouchers and papers relative to
15 township accounts. The subpoena and attachment shall be issued
16 by a district justice. The board of auditors may administer
17 oaths and affirmations to all persons brought or appearing
18 before them, whether accountants, witnesses or otherwise. All
19 persons swearing or affirming falsely upon examination are
20 guilty of perjury.

21 [Section 547. Completion, Filing and Publication of Annual
22 Township Report and Financial Statement.--(a) The auditors
23 shall complete their audit, settlement, and adjustment prior to
24 March first of each year, and in townships having a population
25 of ten thousand (10,000) or less, no more than twenty days shall
26 be expended on such audit. In townships having a population in
27 excess of ten thousand (10,000), no more than forty days shall
28 be expended on such audit. In addition to the time actually
29 expended by the auditors to complete their audit, settlement and
30 adjustment within such twenty or forty days limitations, the

1 auditors may expend not more than a total of ten additional days
2 at a compensation of thirty dollars (\$30) per day to audit the
3 accounts of any public official who handles public funds when a
4 vacancy occurs in the office of such public official.

5 (b) The auditors shall make a report, as hereinafter
6 provided, of the affairs of the township, executed copies of
7 which report shall be filed not later than ninety days after the
8 close of the fiscal year by the secretary of the auditors with
9 the secretary of the township, the clerk of the court of the
10 county, or the prothonotary as may be provided by local rules of
11 court, the Department of Community Affairs, and the Department
12 of Highways. Each copy of such report shall be signed by at
13 least a majority of the auditors, and duly verified by the oath
14 of the secretary of the auditors. Any secretary of auditors,
15 refusing or wilfully neglecting to file such township report, as
16 hereinbefore provided, or to publish the financial statement
17 herein required, shall, upon conviction thereof in a summary
18 proceeding, be sentenced to pay a fine of five dollars for each
19 day's delay beyond the last day for filing such report, and
20 costs, or in default of the payment of such fine and costs, be
21 sentenced to imprisonment not exceeding ten days.

22 (c) The township report shall be presented on a uniform
23 form, prepared and furnished as hereinafter provided.

24 (d) The township report shall contain the names and
25 addresses of the chairman, members and secretary-treasurer of
26 the board of supervisors of the township, a statement of the
27 receipts of the township from all sources, and of all accounts
28 and revenue which may be due and uncollected at the close of the
29 fiscal year, a statement of the disbursements of the township
30 during the fiscal year for the construction, reconstruction,

1 maintenance and repair of the roads, for the purchase and repair
2 of road equipment and machinery, the number of miles of road
3 opened, built and permanently improved, and the total number of
4 miles of road in the township, a statement of the balance in the
5 township treasury at the beginning of the fiscal year, a
6 statement of the resources and liabilities of the township at
7 the end of the fiscal year, a detailed statement of the
8 indebtedness of the township at the close of the fiscal year,
9 the provisions made for the payment thereof, together with the
10 purposes for which it was incurred, a statement of the cost of
11 ownership and operation of each and every public service
12 industry, owned, maintained or operated by the township, and
13 such more specific information, as may be required as
14 hereinafter provided.

15 (e) On or before March tenth of each year, the auditors
16 shall publish, by advertisement, once in at least one newspaper
17 of general circulation published in the township, or if no such
18 newspaper is published in the township, then in such a newspaper
19 circulating in the township, a concise financial statement
20 setting forth the balance in the treasury at the beginning of
21 the fiscal year, all revenues received during the fiscal year by
22 major classifications, all expenditures made during the fiscal
23 year by major functions, and the current resources and
24 liabilities of the township at the end of the fiscal year, the
25 gross liability and net debt of the township, the amount of the
26 assessed valuation of the township, the assets of the township
27 with the character and value thereof, the date of the last
28 maturity of the respective forms of funded debt, and the assets
29 in the sinking fund.

30 (f) If any township has a population of less than two

1 hundred, as shown by the last preceding decennial census of the
2 United States, the auditors may post five copies of the above
3 financial statement in public places in the township in lieu of
4 publication in a newspaper.]

5 Section 904. Completion, Filing and Publication of Annual
6 Township Report and Financial Statement.--(a) The board of
7 auditors shall complete their audit, settlement and adjustment
8 before the first day of March of each year.

9 (b) The board of auditors shall make a report of the affairs
10 of the township, executed copies of which report shall be filed
11 not later than ninety days after the close of the fiscal year by
12 the secretary of the board of auditors with the township
13 secretary, the clerk of the court of the county or the
14 prothonotary under local rules of court, the Department of
15 Community Affairs and the Department of Transportation. Each
16 copy of the report shall be signed by at least a majority of the
17 board of auditors and duly verified by the oath of the secretary
18 of the board of auditors. Any secretary of the board of auditors
19 who fails to file the township report or to publish the required
20 financial statement commits a summary offense.

21 (c) The township report shall be presented on a uniform form
22 prepared and furnished under section 3203.

23 (d) The township report shall contain the names and
24 addresses of the chairman and members of the board of
25 supervisors, the township secretary and the township treasurer,
26 a statement of the receipts of the township from all sources and
27 of all accounts and revenue which may be due and uncollected at
28 the close of the fiscal year, a statement of the disbursements
29 of the township during the fiscal year, a statement of the
30 balance in the township treasury at the beginning of the fiscal

year, a statement of the resources and liabilities of the township at the end of the fiscal year, a detailed statement of the indebtedness of the township at the close of the fiscal year and the provisions made for the payment thereof together with the purposes for which it was incurred, a statement of the cost of ownership and operation of each public service industry owned, maintained or operated by the township and other information as may be required in this act.

(e) On or before the tenth day of March of each year, the board of auditors shall publish once in one newspaper of general circulation in the township a concise financial statement setting forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the fiscal year by major classifications, all expenses paid during the fiscal year by major functions, and the current resources and liabilities of the township at the end of the fiscal year, the gross liability and net debt of the township, the amount of the assessed valuation of the township, the assets of the township with the character and value thereof, the date of the last maturity of the respective forms of funded debt and the assets in the sinking fund.

(f) If any township has a population of less than two hundred, as shown by the latest official census, the board of auditors may post five copies of the financial statement in public places in the township in lieu of publication in a newspaper.

[Section 548. Cancelling Orders.--The auditors shall cancel all orders, vouchers and certificates of indebtedness presented to them, which they find have been paid, by writing the word "audited" on the face thereof.

1 Section 549. Penalty for Failure to Perform Duty.--Any
2 auditor neglecting or refusing to comply with the preceding
3 provisions of this article shall upon conviction thereof in a
4 summary proceeding, pay a fine of not more than one hundred
5 dollars, and in default of the payment of such fine and costs,
6 shall be sentenced to imprisonment of not more than ten days.]

7 Section 905. Penalty for Failure to Perform Duty.--Any
8 auditor who fails to comply with this article commits a summary
9 offense.

10 [Section 550. Employment and Compensation of Attorney.--The
11 auditors, in case of a disagreement with any officials or board
12 of township supervisors whose accounts they are required to
13 audit, may employ an attorney. Such attorney shall not be
14 employed until reasonable effort to reach an agreement has been
15 made, and only after notice of their intention so to do has been
16 given to said official or board of township supervisors. The
17 compensation for such attorney shall be fixed by the auditors,
18 and shall not exceed thirty dollars, unless an appeal is taken
19 to the court, in which case the court shall fix the additional
20 compensation for the attorney. The compensation for said
21 attorney shall be paid out of the general township fund by a
22 warrant drawn by the auditors upon the treasurer of the
23 township.]

24 Section 906. Employment and Compensation of Attorney.--If a
25 disagreement occurs with the board of auditors and any official
26 it is required to audit, the board of auditors may petition the
27 court of common pleas to appoint an attorney to represent or
28 advise the board of auditors on the matter. The court shall not
29 appoint an attorney unless reasonable effort to reach an
30 agreement has been made and only after the board of auditors has

given notice to the official or the board of supervisors of its intent to petition the court for the appointment. The board of auditors, with the agreement of the board of supervisors, shall determine the compensation of the attorney. If the dispute results in litigation or if the board of auditors and the board of supervisors cannot agree upon the compensation to be paid to the attorney, the court shall establish the compensation for the attorney appointed for the board of auditors. The compensation for the attorney shall be paid out of the general township fund.

[Section 551. Balances Due to Be Entered as Judgments.--Any balance, in any report of the auditors, against any officer of the township shall constitute a surcharge against such officer, as fully as if expressly stated in said report to be a surcharge. The auditors shall direct the clerk of court of quarter sessions to certify the amount of every such balance or surcharge from which no appeal has been taken, within the time and in the manner hereinafter provided, to the court of common pleas and the prothonotary shall enter the same as a judgment against such officer and in favor of the township.]

Section 907. Surcharge by Auditors.--(a) The board of auditors shall surcharge any elected or appointed officer for the amount of any loss to the township caused in whole or in part by the officer's act or omission in violation of law or beyond the scope of the officer's authority. If the auditors find an absence of intent to violate the law or exceed the scope of authority and find the result of the officer's act could have been achieved by legal means and authorized procedures, the surcharge imposed shall be limited to the difference between the costs actually incurred by the township and the costs that would have been incurred had legal means and authorized procedures

1 been employed. Provisions of this section which limit the amount
2 of surcharge do not apply to cases involving fraud or collusion
3 on the part of the officers or to any penalty ensuing to the
4 benefit of or payable to the Commonwealth.

5 (b) Any balance in any report of the board of auditors
6 against any officer of the township constitutes a surcharge
7 against the officer as fully as if expressly stated in the
8 report to be a surcharge. The board of auditors shall direct the
9 clerk of court of common pleas to certify the amount of every
10 balance or surcharge from which no appeal has been taken under
11 sections 909 and 910 to the court of common pleas, and the
12 prothonotary shall enter the balance or surcharge as a judgment
13 against the officer in favor of the township.

14 [Section 552. Collection of Surcharge; Bond.--Any auditor,
15 registered elector, or taxpayer of the township may enforce the
16 collection of a judgment entered for a surcharge for the benefit
17 of the township, by any appropriate action or execution, upon
18 filing in the court of common pleas a bond (in the case of a
19 registered elector or taxpayer), with one or more sureties,
20 conditioned to indemnify the township for all costs which may
21 accrue in the proceedings undertaken by such taxpayer, subject,
22 however, to all rights of appeal from the report of auditors
23 hereinafter granted.]

24 Section 908. Collection of Surcharge; Bond.--Any auditor,
25 elector or taxpayer of the township may enforce the collection
26 of a judgment entered for a surcharge for the benefit of the
27 township, by any appropriate action or execution, upon filing in
28 the court of common pleas a bond (in the case of an elector or
29 taxpayer), with one or more sureties, conditioned to indemnify
30 the township for all costs which may accrue in the proceedings

1 undertaken, subject, however, to all rights of appeal from the
2 report of the board of auditors.

3 [Section 553. Appeals from Report.--The township, or any
4 registered elector or taxpayer thereof on its behalf, or any
5 officer whose account is settled or audited by the township
6 auditors, may appeal from any settlement or audit of the
7 township auditors to the court of common pleas within forty-five
8 days after the settlement has been filed in the court of quarter
9 sessions.]

10 Section 909. Appeals from Report.--The board of supervisors,
11 or any elector or taxpayer of the township, or any officer whose
12 account is settled or audited by the board of auditors, may
13 appeal from any settlement or audit of the board of auditors to
14 the court of common pleas within forty-five days after the
15 settlement has been filed in the court of common pleas.

16 [Section 554. Taxpayer's Appeal; Bond.--No appeal by a
17 registered elector or taxpayer or officer shall be allowed
18 unless the appellant shall enter into recognizance to prosecute
19 the same with effect, and to pay all costs accruing thereon, in
20 case, if the appellant be a registered elector or taxpayer, he
21 shall fail to obtain a final decision more favorable to the
22 township than that awarded by the auditors, or, in case the
23 appellant be an officer, he shall fail to obtain a final
24 decision more favorable to the officer than that awarded by the
25 auditors.]

26 Section 910. Taxpayer's Appeal; Bond.--No appeal by an
27 elector, taxpayer or officer shall be allowed unless the
28 appellant enters into recognizance to prosecute the appeal with
29 effect, and to pay all costs accruing thereon, in case, if the
30 appellant is an elector or taxpayer, he fails to obtain a final

1 decision more favorable to the township than that awarded by the
2 board of auditors, or, if the appellant is an officer, he fails
3 to obtain a final decision more favorable to the officer than
4 that awarded by the board of auditors.

5 [Section 556. Consolidation of Appeals.--When more than one
6 appeal from the report of the auditors is taken, whether by the
7 township, an officer thereof, or by a registered elector or
8 taxpayer, the court may on its own motion, and shall upon
9 petition of any party interested, direct that the several
10 appeals be consolidated.]

11 Section 911. Consolidation of Appeals.--When more than one
12 appeal from the report of the board of auditors is taken,
13 whether by the board of supervisors, by an officer thereof or by
14 an elector or taxpayer, the court may direct that the several
15 appeals be consolidated.

16 [Section 557. Testimony and Argument.--Any person interested
17 may order the appeal upon the argument list, and evidence may be
18 taken by deposition.

19 Section 558. Framed Issues.--Whenever any matter of fact is
20 in dispute, the court of common pleas is authorized to frame an
21 issue for the trial thereof.

22 Section 559. Report; Prima Facie Evidence; Burden of
23 Proof.--The accounts of the officer in question may be
24 investigated de novo. The figures and facts found and stated by
25 the auditors in their report of audit shall be taken as prima
26 facie correct as against any such officer, and the burden shall
27 be upon each officer, whose accounts are in question, to
28 establish the validity of the credits which he claims.]

29 Section 912. Report; Prima Facie Evidence; Burden of
30 Proof.--The accounts of the officer in question may be

1 investigated de novo. The figures and facts found and stated by
2 the auditors in their report of audit shall be taken as prima
3 facie correct as against any officer, and the burden shall be
4 upon each officer whose accounts are in question to establish
5 the validity of the credits which he claims.

6 [Section 560. Findings; Judgment.--After hearing, the court
7 shall file its finding of fact and law, and enter judgment in
8 accordance therewith, and the judgment so entered may be
9 enforced by any appropriate proceedings by any auditor, officer,
10 registered elector or taxpayer of the township.]

11 Section 913. Findings; Judgment.--After hearing, the court
12 shall file findings of fact and law and enter judgment, and the
13 judgment so entered may be enforced by appropriate proceedings
14 by any auditor, officer, elector or taxpayer of the township.

15 [Section 561. Costs.--In all cases of appeal from the report
16 or audit of township auditors to the court of common pleas, the
17 costs shall abide the event of the suit as in other cases.]

18 Section 914. Costs.--In all cases of appeal from the report
19 or audit of the board of auditors to the court of common pleas,
20 the costs shall be determined by the court.

21 [Section 562. Appeals from Lower Courts.--Any person
22 interested may except to the rulings of the court.]

23 Section 563. Counsel Fees.--When an appeal is taken from the
24 township auditors' report or settlement of the account of any
25 township officer, and such appeal results favorably to the
26 appellants in such a manner that money is recovered for any
27 township, the court hearing such appeal shall make an order to
28 pay a reasonable counsel fee.]

29 Section 915. Attorney Fees.--Upon final determination of an
30 appeal taken under section 909 from any report, audit or

settlement of the account of any township officer, attorney fees shall be awarded as follows:

(1) If, in the opinion of the court, the final determination is more favorable to the township officer involved than that awarded by the board of auditors, the township shall pay reasonable attorney fees, or under paragraph (3) a portion of reasonable attorney fees, incurred by the officer in connection with the surcharge proceeding.

(2) In the case of an appeal taken by the township, an elector or a taxpayer, if, in the opinion of the court, the final determination is more favorable to the township than that awarded by the board of auditors, the township officer who is the subject of the surcharge proceeding shall pay reasonable attorney fees, or under paragraph (3) a portion of reasonable attorney fees, incurred by the township, elector or taxpayer in connection with the surcharge proceeding.

(3) If, in the opinion of the court, the final determination is in part more favorable to the township and in part more favorable to the township officer involved in the surcharge proceeding than that awarded by the board of auditors, the court may order the township to pay a portion of reasonable attorney fees incurred by the officer in connection with the surcharge proceeding, or it may order the township officer who is the subject of the surcharge proceeding to pay a portion of reasonable attorney fees incurred by the township, elector or taxpayer in connection with the surcharge proceeding.

[Section 564. Interest in Township Transactions.--Any auditor who is knowingly interested, directly or indirectly, in any township transaction and benefits financially therefrom shall, upon conviction thereof in a summary proceeding, be

1 sentenced to pay a fine not exceeding one hundred dollars (\$100)
2 and costs of prosecution, and shall forfeit his office.]

3 Section 916. Interest in Township Transactions.--Any auditor
4 who is financially interested, directly or indirectly, in any
5 township transaction commits a summary offense. The auditor
6 shall forfeit the office and forfeit to the township any
7 financial benefit derived from the transaction.

8 Section 917. Appointment of Accountant.--(a) The board of
9 supervisors may contract with a certified or competent public
10 accountant or a firm of certified or competent public
11 accountants, either of which shall be registered in this
12 Commonwealth, to be appointed by the court of common pleas at
13 least thirty days before the close of the fiscal year to audit
14 the accounts of the township and the township officers, if a
15 petition has been presented to the supervisors by at least
16 twenty-five taxpayers of the township asking for the
17 appointment. The amount paid to the accountant or firm in any
18 year shall not exceed the maximum allowed by law to be paid to
19 the board of auditors in any year, unless the payment of an
20 additional amount is approved by the court.

21 (b) At its annual organization meeting, the board of
22 supervisors may, by resolution, appoint a certified or competent
23 public accountant or a firm of certified or competent public
24 accountants, either of which shall be registered in this
25 Commonwealth, to make an examination of all the accounts of the
26 township for the fiscal year just ended. The board of
27 supervisors shall determine the compensation of the appointed
28 auditor.

29 (c) When an accountant or firm is appointed under subsection
30 (a) or (b), the board of auditors shall not audit, settle or

1 adjust the accounts audited by the appointee but shall perform
2 the other duties of the office. The accountant or firm has the
3 powers given to the board of auditors under this act, except the
4 power to determine compensations and the amount of bond of the
5 township treasurer, and they are subject to the same penalties
6 as the elected auditors under this act. The report of the
7 accountant or firm is subject to appeals the same as reports of
8 the board of auditors under this act.

9 (d) For the purposes of meeting Federal or State
10 requirements, the board of supervisors may contract with an
11 independent public accountant to audit the fiscal affairs of the
12 township, independent of that conducted by the elected or
13 appointed auditors.

14 ARTICLE X

15 TAX COLLECTOR; ASSESSOR

16 [(f) Tax Collector

17 Section 570. Powers, Duties and Liabilities.--The tax
18 collector of townships shall collect all county, township,
19 school, institution district and other taxes levied within
20 townships by authorities empowered to levy taxes. He shall, in
21 addition to the powers, duties and responsibilities enumerated
22 in this act, have all the powers, perform all the duties, be
23 subject to all the obligations and responsibilities for the
24 collection of such taxes, as are now vested in, conferred upon,
25 or imposed upon, tax collectors by law.]

26 Section 1001. Tax Collector; Powers, Duties and
27 Liabilities.--The tax collector shall collect all county,
28 township, school, institution district and other taxes levied
29 within townships by authorities authorized to levy taxes. The
30 tax collector may also be designated in the tax-levying

ordinance or resolution, or be employed by the tax-levying authority, to collect taxes levied under the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act."
In addition to the powers, duties and responsibilities under this act, the tax collector shall exercise all the powers and perform all the duties, and be subject to all the obligations and responsibilities for the collection of taxes, as are conferred upon tax collectors by law.

[(g) Assessor

Section 575. Powers and Duties of Assessor.--The assessors of townships shall have all the powers, perform all the duties, be subject to all the obligations and responsibilities and receive the compensation as is provided for by law.]

Section 1002. Assessor; Powers and Duties.--The assessors have all the powers and duties, are subject to all the obligations and responsibilities and may receive the compensation provided under law.

ARTICLE XI

TOWNSHIP SOLICITOR

[(h) Township Solicitor

Section 580. Appointment.--The board of supervisors, on the first Monday of January in any year, or as soon thereafter as practicable, may appoint, by a vote of a majority of the members, and fix the compensation of one person learned in the law, who shall be styled the township solicitor. In lieu of the appointment of one person, the board of supervisors may appoint a law firm, partnership, association or professional corporation which shall act as the township solicitor.]

Section 1101. Township Solicitor.--The board of supervisors may appoint and determine the compensation of a township

1 solicitor. The township solicitor shall be licensed to practice
2 law in this Commonwealth and may be one person or a law firm,
3 partnership, association or professional corporation. The
4 township solicitor serves at the pleasure of the board of
5 supervisors.

6 [Section 581. Solicitor to Have Control of Law Matters.--The
7 law matters of the township shall be under the superintendence,
8 direction, and control of the township solicitor, and no
9 official or official body of the township, except as herein
10 otherwise provided, shall employ an additional counsel without
11 the assent or ratification of the board of supervisors.]

12 Section 1102. Solicitor to Have Control of Legal Matters.--
13 The township solicitor shall direct and control the legal
14 matters of the township, and no official or official body of the
15 township, except as otherwise provided under law, shall employ
16 an additional attorney without the assent or ratification of the
17 board of supervisors.

18 [Section 582. Duties of Solicitor.--The township solicitor,
19 when directed or requested so to do, shall prepare or approve
20 such bonds, obligations, contracts, leases, conveyances,
21 ordinances and assurances to which the township may be a party;
22 he shall commence and prosecute all actions brought by the
23 township for or on account of any of the estates, rights,
24 trusts, privileges, claims, or demands, as well as defend all
25 actions or suits against the township, or any officer thereof,
26 wherein or whereby any of the estates, rights, privileges,
27 trusts, ordinances, or accounts, of the township, may be brought
28 in question before any court in the Commonwealth, and shall do
29 every professional act incident to the office which he may be
30 authorized or required to do by the board of supervisors or by

1 any resolution. He shall, whenever required, furnish the board
2 of supervisors, or any of them, with his opinion in writing upon
3 any question of law which may be submitted by any of them in
4 their official capacities.]

5 Section 1103. Duties of Solicitor.--The township solicitor,
6 when directed or requested so to do, shall prepare or approve
7 any bonds, obligations, contracts, leases, conveyances,
8 ordinances and assurances to which the township may be a party.
9 The township solicitor shall commence and prosecute all actions
10 brought by the township for or on account of any of the estates,
11 rights, trusts, privileges, claims or demands, as well as defend
12 the township or any township officer against all actions or
13 suits brought against the township or township officer in which
14 any of the estates, rights, privileges, trusts, ordinances or
15 accounts of the township may be brought in question before any
16 court in this Commonwealth and do every professional act
17 incident to the office which the township solicitor may be
18 authorized or required to do by the board of supervisors or by
19 any resolution. The township solicitor shall furnish the board
20 of supervisors, or any of them, with an opinion in writing upon
21 any question of law which may be submitted by any of them in
22 their official capacities.

23 ARTICLE XII

24 TOWNSHIP ENGINEER

25 [(i) Township Engineer

26 Section 585. Township Engineer.--The township supervisors
27 may, at any time, appoint, by a vote of a majority of them, a
28 township engineer who shall be a registered professional
29 engineer and fix his compensation.]

30 Section 1201. Township Engineer.--The board of supervisors

1 may appoint and determine the compensation of a township
2 engineer who shall be a registered professional engineer. The
3 township engineer serves at the pleasure of the board of
4 supervisors.

5 [Section 586. Duties; Preparation of Plans.--The township
6 engineer shall perform such duties as the township supervisors
7 shall prescribe as to the construction, reconstruction,
8 maintenance and repair of all streets, roads, pavements, sewers,
9 bridges, culverts and other engineering work. He shall prepare
10 plans, specifications and estimates of all such work undertaken
11 by such township, and shall, whenever required, furnish the
12 township supervisors with reports, information or estimates on
13 any township engineering work, or on questions submitted by any
14 of them in their official capacity.]

15 Section 1202. Engineer's Duties; Preparation of Plans.--The
16 township engineer shall perform duties as the board of
17 supervisors may direct for the construction, reconstruction,
18 maintenance and repair of streets, roads, pavements, sanitary
19 sewers, bridges, culverts and other engineering work. The
20 township engineer shall prepare plans, specifications and
21 estimates of the work undertaken by the township and furnish the
22 board of supervisors with reports, information or estimates on
23 any township engineering work or on questions submitted by the
24 board of supervisors.

25 [Section 587. Certificate of Commencement and of Completion
26 of Municipal Improvements.--Where a township engineer is
27 employed, he shall, immediately after the completion of any
28 municipal improvement, the cost of which, in whole or in part,
29 is to be paid by the owners of the abutting property, make a
30 certificate in which he shall state the day or time on which the

1 particular improvement was completed, and shall file the same
2 with the township secretary, who shall enter the said day or
3 time of completion in a book to be kept by him for said
4 purposes; and the said day or time mentioned in said certificate
5 shall be conclusive on all parties as to the time the said work
6 was completed. The time of completion of the work, referred to
7 in this section and in other parts of this act, shall be taken
8 to mean the time of the completion of the whole contract for the
9 improvement. He shall also furnish to the township secretary a
10 certificate showing the time at which any such particular
11 improvement was commenced, and such certificate shall be
12 conclusive evidence of the time when the said improvement was
13 begun; and an entry of such date shall be made by said secretary
14 in the book aforesaid.]

15 Section 1203. Certificate of Commencement and of Completion
16 of Municipal Improvements.--The township engineer shall certify
17 to the township secretary the date of commencement and of
18 completion of all municipal improvements, the cost of which, in
19 whole or in part, is to be paid by the owners of the abutting
20 property. The certification shall be made a part of the
21 permanent records of the township. The certified time of
22 commencement and completion is conclusive on all parties. The
23 term "certified time of completion" means the time of the
24 completion of the whole contract for the improvement.

25 [(j) Township Police

26 Section 590. Creating or Disbanding Police Force.--A. The
27 board of township supervisors may, by resolution: (1) create or
28 disband a police force within the township, or (2) upon the
29 petition of not less than twenty-five registered electors or
30 taxpayers of the township, appoint police officers.

1 B. The board of township supervisors shall provide for the
2 organization and supervision and determine the number and the
3 compensation of such police officers. The chairman of the board
4 of township supervisors shall have the authority to swear in
5 police officers. The board of township supervisors may assign
6 any police officer to undergo a course of training at any
7 training school for police officers established or made
8 available by the Federal or State government and provide for
9 payment of the officer's expenses while in attendance at the
10 training school.

11 C. Any township may contract with any adjacent township of
12 the first or second class, or with any borough or city, and may
13 expend moneys from the general fund for the purpose of securing
14 the services within the township of the police of such adjacent
15 township, borough or city. When any such contract has been
16 entered into, the police of the employing township, borough or
17 city shall have all the powers and authority conferred by law on
18 township police in the territory of the township which has
19 contracted to secure such police service.

20 Section 591. Powers.--Each policeman so appointed shall be
21 an ex-officio constable of the township, and shall and may,
22 without warrant and upon view, arrest and commit for hearing any
23 and all persons guilty of breach of the peace, vagrancy, riotous
24 and disorderly conduct, or drunkenness, or who may be engaged in
25 the commission of any unlawful act tending to imperil the
26 personal security or endanger the property of citizens, or in
27 violating any of the ordinances of said township for which a
28 fine or penalty is imposed.

29 The keepers or persons in charge of jails, lockups, or
30 station houses shall receive all persons arrested by such

1 policemen for the commission of any offense against the laws of
2 this Commonwealth within said township.

3 Section 592. Shield.--Each policeman, when on duty, shall
4 wear a shield or badge with the words "township police" and the
5 name of the township or townships for which he was appointed
6 inscribed thereon.

7 Section 593. Equipment.--The township supervisors may
8 provide each such policeman with a uniform and equipment and
9 means of transportation and the maintenance of the same, the
10 cost thereof to be paid out of the general township fund of the
11 township or townships.

12 Section 594. Certain Compensation Prohibited.--It shall not
13 be lawful for any township policeman to charge or accept any fee
14 or other compensation in addition to the salary paid to him as a
15 policeman for any service rendered or performed by him
16 pertaining to his office or duties, except public rewards and
17 the legal mileage allowed to constables for traveling expenses.

18 Section 595. Police Pension Fund.--Where a police force is
19 being maintained, the township may, by ordinance, establish a
20 police pension fund or pension annuity into which each member of
21 the police force may be required to pay an equal and
22 proportionate monthly charge not exceeding annually three per
23 centum of the pay of such member. The fund shall be under the
24 direction of the supervisors or such committee as they may, by
25 ordinance, prescribe for the benefit of such members of the
26 police force as shall receive honorable discharge therefrom by
27 reason of age or disability, and the families of such as may be
28 injured or killed in the service. Any allowances made to those
29 who are retired by reason of disability or age shall be in
30 conformity with a uniform scale.

1 Section 596. Service Required Before Retirement.--

2 (a) The ordinance establishing the police pension fund may
3 prescribe a minimum period of continuous service, not less than
4 twenty years, after which the members of the force may be
5 retired from active duty. Township policemen, so retired, shall
6 be subject to service as police reserves until unfitted for such
7 service by reason of age or disability, when they may be finally
8 discharged.

9 (b) The basis of the apportionment of the pension shall be
10 determined by the rate of monthly pay of the member at the date
11 of death, honorable discharge, or retirement.

12 Section 597. Pensions not to be Charged on Other Funds.--
13 Payments made on account of police pensions shall be a charge on
14 no fund in the treasury of the township or under its control,
15 other than the police pension fund.

16 Section 598. Gifts to Pension Fund.--Townships may take by
17 gift, grant, devise or bequest any money or property, real,
18 personal or mixed, in trust for the benefit of such police
19 pension fund. The care, management, investment and disposal of
20 such trust funds or property shall be vested in such officers as
21 the supervisors shall, by ordinance, direct, and shall be
22 governed by such officers subject to any directions, not
23 inconsistent therewith, as the donors of such funds and property
24 may prescribe.

25 Section 599. Rights of Members.--A person, participating in
26 such police pension fund and becoming entitled to receive a
27 benefit therefrom, shall not be deprived of his right to an
28 equal and proportionate share therein upon the basis upon which
29 he first became entitled thereto, except for the following
30 causes, that is to say conviction of a crime, or misdemeanor,

1 becoming an habitual drunkard, becoming a non-resident of the
2 Commonwealth, or failing to comply with some general regulation
3 relating to the management of such fund, which may be made by
4 ordinance, and which provides that a failure to comply therewith
5 shall terminate the right to participate in the pension fund
6 after such notice and hearing as it shall prescribe.

7 Section 599-A. Special School Police.--Upon request of the
8 board of school directors of the school district of the
9 township, the board of township supervisors, by resolution, may
10 appoint special school police, who shall have the duty of
11 controlling and directing traffic at or near schools, and who
12 shall be in uniform and shall display a badge or other sign of
13 authority, and who shall be vested with all the power of local
14 police officers. Such police shall serve at the pleasure of the
15 board of township supervisors, and shall not come within the
16 civil service provisions of this act, nor shall they be eligible
17 to join any police pension fund maintained for the township
18 police. Their compensation shall be fixed by the board of
19 township supervisors and they shall be paid by the board of
20 township supervisors, or jointly by the board of township
21 supervisors and the board of school directors in a ratio to be
22 determined by the two boards. If the board of township
23 supervisors and board of school directors are unable to
24 determine the ratio of compensation of the police to be paid by
25 each board, each such board shall pay one-half of the
26 compensation of such police.]

27 ARTICLE XIII

28 TOWNSHIP MANAGER

29 [(k) Township Manager

30 Section 599.1. Appointment, Removal, Powers and Duties;

1 Compensation; Bond.--The supervisors may by ordinance, at any
2 time, create the office of township manager and may, in like
3 manner, abolish the same. While said office exists the
4 supervisors shall, from time to time, and, whenever there is a
5 vacancy, by majority vote, elect one person to fill said office,
6 who shall serve until his successor is elected and qualified.
7 Any such township manager shall be subject to removal by the
8 supervisors by majority vote.

9 The powers and duties of the township manager shall be fixed
10 by ordinance. The compensation shall be set by resolution and
11 paid out of the general fund of the township. The supervisors
12 may delegate, subject to recall, any of their non-legislative
13 powers and duties to the township manager. He shall give bond to
14 the township, with sufficient surety, to be approved by the
15 supervisors, in such sum as they shall by ordinance direct,
16 conditioned for the faithful performance of his duties.

17 The office of township manager shall not be deemed
18 incompatible with the office of township secretary, township
19 treasurer, or any other township office or employment, except
20 that of supervisor.]

21 Section 1301. Township Manager; Appointment, Removal, Powers
22 and Duties; Compensation; Bond.--(a) The board of supervisors
23 may, by ordinance at any time, create the office of township
24 manager and may, in like manner, abolish the office. While the
25 office exists, the board of supervisors shall appoint one person
26 to fill the office. The township manager serves at the pleasure
27 of the board of supervisors.

28 (b) The powers and duties of the township manager shall be
29 established by ordinance. The compensation shall be set by
30 resolution and paid out of the general fund of the township. The

1 board of supervisors may delegate, subject to recall, any of
2 their nonlegislative powers and duties to the township manager.
3 The township manager shall give bond to the township, with
4 sufficient surety, in the amount directed by the board of
5 supervisors, conditioned for the faithful performance of the
6 duties of the office.

7 (c) The office of township manager is not incompatible with
8 the office of township secretary, township treasurer or any
9 other township office or employment, except that of supervisor
10 or township police officer.

11 ARTICLE [VI] XIV

12 [STATE AND COUNTY ASSOCIATIONS OF TOWNSHIP OFFICERS]

13 COUNTY AND STATE ASSOCIATIONS

14 OF TOWNSHIPS

15 [(a) County Associations

16 Section 601. County Associations.--County associations of
17 township supervisors, auditors, assessors and tax collectors may
18 be formed. Such associations, when formed, shall hold annual or
19 semi-annual conventions at the county seats of the respective
20 counties, or some other suitable place, for the purpose of
21 considering and discussing questions and subjects pertaining to
22 the best methods for the improvement of the township government,
23 the assessment of property, the collection of taxes and the
24 construction, improvement and maintenance of roads. Such
25 associations of two or more adjacent counties may arrange to
26 meet in joint session.

27 Section 602. Who to Attend; Compensation and Mileage.--The
28 supervisors of townships, auditors, assessors, tax collectors,
29 managers, solicitors, engineers, and the secretary of the board
30 of township supervisors, when not a member of the board, shall

1 attend such conventions whenever possible. Each township
2 supervisor, auditor, assessor, tax collector, manager,
3 solicitor, engineer, and secretary attending such convention
4 shall receive a certificate, signed by the presiding officer and
5 acting secretary of the convention, attesting his presence at
6 the convention. Such certificate shall entitle him to collect
7 from the township treasurer the sum of thirty-five dollars per
8 day for each day's attendance, expenses which shall be limited
9 to the registration fee, mileage for use of a personal vehicle
10 or reimbursement of actual transportation expense going to and
11 returning from such meeting plus all other actual expenses that
12 the township board of supervisors may have agreed to pay. Every
13 delegate attending the meeting shall submit to the township
14 board of supervisors an itemized account of expenses incurred
15 thereat. The township board of supervisors may authorize
16 township employes to be compensated at their regular employe
17 rate during their attendance at the meeting, in which case such
18 employe shall not be entitled to the thirty-five dollars
19 mentioned in this section. No township supervisor, auditor,
20 assessor, tax collector, manager, solicitor, engineer, or
21 secretary shall be paid for more than two days' attendance in
22 any one year.

23 Section 603. Officers of County Association.--The officers
24 of the association shall consist of a president, two vice-
25 presidents, a secretary, and a treasurer, none of whom shall be
26 interested directly or indirectly in the promotion or sale of
27 road material and equipment, and all of whom, except the
28 secretary, shall be members of the association, and shall hold
29 office for one year or until their successors are chosen. If
30 desirable, the secretary may be a person not a regular member of

1 the association, and may be paid for his service such
2 compensation, not exceeding fifty dollars per annum, as the
3 other officers may determine. Every township supervisor,
4 assessor, tax collector, and auditor attending such convention
5 may vote in the election of officers.

6 Section 604. County Association Convention Expenses.--
7 Expenses of the county association convention shall be paid from
8 dues assessed by the association on each member township.]

9 Section 1401. County Associations.--(a) County associations
10 of township officials may be formed. County associations shall
11 hold annual or semi-annual conventions at places determined by
12 the association to consider and discuss questions and subjects
13 pertaining to improvement of township government, assessment of
14 property, collection of taxes and construction, improvement and
15 maintenance of roads. Associations of two or more adjacent
16 counties may arrange to meet in joint sessions.

17 (b) The supervisors, auditors, assessors, tax collectors,
18 managers, solicitors, engineers, treasurer and secretary of the
19 board of supervisors shall attend the conventions when possible.

20 (c) Each supervisor, auditor, assessor, tax collector,
21 manager, solicitor, engineer, treasurer and secretary attending
22 the convention shall receive a certificate, signed by the
23 secretary of the county association, attesting their presence at
24 the convention. The certificate entitles the official to collect
25 from the township treasurer the sum of thirty-five dollars (\$35)
26 for each day's attendance, expenses which are limited to the
27 registration fee, mileage for use of a personal vehicle or
28 reimbursement of actual transportation expense going to and
29 returning from the meeting plus all other actual expenses that
30 the board of supervisors agrees to pay. Every delegate attending

1 the meeting shall submit to the board of supervisors an itemized
2 account of expenses incurred at the meeting. If the meeting is
3 held during township employees' normal work schedule, the board
4 of supervisors may authorize township employees to be compensated
5 at their regular employe rate during their attendance at the
6 meeting, in which case the employe is not entitled to the
7 thirty-five dollars (\$35) mentioned in this section. No
8 supervisor, auditor, assessor, tax collector, manager,
9 solicitor, engineer, treasurer or secretary shall be paid for
10 more than two days' attendance in any one year.

11 (d) The officers of the association shall consist of a
12 president, one or two vice-presidents, a secretary and a
13 treasurer, all of whom, except the secretary, shall be members
14 of the association and shall hold office for one year or until
15 their successors are chosen. The secretary of the association
16 may be compensated for services an amount determined by the
17 members of the association. Every supervisor, assessor, tax
18 collector, manager, secretary, treasurer and auditor attending
19 the convention may vote on policy matters and in the election of
20 officers of the association.

21 (e) Expenses of each county association convention shall be
22 paid from dues assessed by the association on each member
23 township or from other funds as the members of the county
24 association determine.

25 (f) Each county association of township officials may elect
26 one township supervisor, township manager, township treasurer or
27 township secretary for each ten townships, or fraction thereof,
28 within the county, as a voting delegate to each annual meeting
29 of the State association, but each county association is
30 entitled to a minimum of two delegates at each meeting. These

1 delegates' expenses may be paid by the respective county
2 association.

3 [(b) State Association of Township Supervisors

4 Section 610. State Association Authorized.--The formation of
5 a State Association of Township Supervisors is hereby
6 authorized. The association shall hold annual meetings, at such
7 time and place within this Commonwealth as it may designate, for
8 the purpose of discussing various questions and subjects
9 pertaining to the duties of township supervisors and devising
10 uniform, economical and efficient methods of administering the
11 affairs of townships.

12 The association, at its annual meeting, by majority vote of
13 all the voting delegates there represented shall have power to
14 adopt and amend bylaws to govern the association which shall
15 govern the qualification of delegates, election of officers,
16 their designation, qualifications and duties, payment of dues
17 and other organizational details. The association shall function
18 under these bylaws for advancing the interest of and betterment
19 of township government in townships of the second class.

20 The dues as adopted in these bylaws are legal expenditures of
21 the townships and are to be used to pay for the services,
22 publications and other expenses, including the rental and
23 acquisition of real estate to be used for association purposes
24 and activities authorized by the association or incurred in
25 behalf of the association by its officers and executive
26 committee.

27 The State Association of Township Supervisors is hereby
28 authorized to purchase, take, receive, lease as lessee, take by
29 gift or devise, or otherwise acquire, and to own, hold, use and
30 otherwise deal with any real estate, or any interest therein in

1 its own name for association purposes and activities authorized
2 by the association and to mortgage, sell and convey, lease as
3 lessor, and otherwise dispose of all or any part of said real
4 estate in such manner as may be provided in the bylaws of the
5 association.

6 Section 611. Delegates.--(a) Each county association of
7 township supervisors may elect one township supervisor or
8 township secretary or secretary of the county association for
9 each ten townships, or fraction thereof, within said county, as
10 a voting delegate to each annual meeting of said State
11 association, but each county association shall be entitled to a
12 minimum of two such delegates at each meeting. These delegates
13 expenses may be paid by the respective county association.

14 (b) The supervisors may designate one or more of the
15 following elected or appointed officials of the township to
16 attend the annual meeting of the State association: supervisors,
17 township secretary and/or township manager. Said convention
18 shall be held in the Commonwealth in accordance with the
19 procedures adopted by the State association. These delegates
20 expenses shall be paid by the respective townships out of the
21 township general fund.

22 (c) Each township with dues paid in the State association
23 shall elect one of those delegates designated in subsection (b)
24 to be the voting delegate at the convention.

25 Each township shall certify the name and address of its
26 elected delegate or delegates and the designated voting delegate
27 to the State association at least fifteen days prior to the
28 opening of the State convention.

29 Section 612. Expenses and Mileage.--The expenses allowed the
30 delegates attending the annual meeting shall be limited to the

1 registration fee, mileage for use of a personal vehicle or
2 reimbursement of actual transportation expense going to and
3 returning from such meeting plus all other actual expenses that
4 the township board of supervisors may have agreed to pay. Every
5 delegate attending the annual meeting shall submit to the
6 township board of supervisors an itemized account of expenses
7 incurred thereat. The township board of supervisors may
8 authorize township employes to be compensated at their regular
9 employe rate during their attendance at the annual meeting. No
10 delegate shall receive expenses for more than four days
11 including the time employed in traveling thereto and therefrom,
12 together with mileage going to and returning from such meeting.]

13 Section 1402. State Association of Township Supervisors
14 Authorized.--(a) The formation of a State Association of
15 Township Supervisors is authorized.

16 (b) The State association shall hold annual meetings, at a
17 time and place within this Commonwealth as it may designate, to
18 discuss questions and subjects pertaining to the duties of
19 elected and appointed township officials and the improvement of
20 township government.

21 (c) The State association, at its annual meeting, by
22 majority vote of all qualified voting delegates present, may
23 adopt and amend bylaws to govern the State association. The
24 bylaws shall govern the qualification of delegates, election of
25 officers, their designation, qualifications and duties, payment
26 of dues and other organizational matters. The State association
27 shall function under the bylaws to advance the interest of
28 township government.

29 (d) The board of supervisors may designate one or more of
30 the following elected or appointed officials of the township to

attend the annual meeting of the State association: supervisors, secretary, treasurer and manager. The convention shall be held in this Commonwealth under the procedures adopted by the State association.

(e) Each township with dues paid in the State association shall elect one of those delegates designated in subsection (d) to be the voting delegate at the convention.

(f) Each township shall certify the name and address of its delegate or delegates and the designated voting delegate to the State association at least thirty days before the opening of the State convention.

(g) The expenses allowed to the delegates attending the annual meeting are limited to the registration fee, mileage for use of a personal vehicle or reimbursement of actual transportation expense going to and returning from the meeting plus all other actual expenses that the board of supervisors agrees to pay. Every delegate attending the annual meeting shall submit to the board of supervisors an itemized account of expenses incurred at the meeting. The board of supervisors may authorize township employes to be compensated at their regular employe rate during their attendance at the annual meeting. No delegate shall receive expenses for attending more than four days each year.

(h) Membership dues of the State association are legal expenses of the townships and shall be used for the payment of expenses incurred, including, but not limited to, the rental or acquisition of real estate to be used for State association purposes and activities, cost of publications, salaries, cost of services provided to or for townships and other expenses incurred on behalf of the State association.

1 (i) The State association may purchase, receive, lease as
2 lessee, accept by gift or devise or otherwise acquire and own,
3 use and otherwise deal with any real estate in its own name for
4 association purposes and mortgage, sell and convey, lease as
5 lessor and otherwise dispose of all or part of the real estate.

6 ARTICLE [VII] XV

7 [GENERAL] CORPORATE POWERS

8 [Section 701. Suits; Property.--Any township of the second
9 class may--

10 I. Sue and be sued;

11 II. Purchase, acquire by gift, or otherwise, hold, lease,
12 let and convey, by sale or lease, such real and personal
13 property as shall be deemed to be to the best interest of the
14 township: Provided, That no real estate owned by the township
15 shall be sold for a consideration in excess of fifteen hundred
16 dollars, except to the highest bidder after due notice by
17 advertisement for bids or advertisement of a public auction in
18 one newspaper of general circulation in the township. Such
19 advertisement shall be published once not less than ten days
20 prior to the date fixed for the opening of bids or public
21 auction, and such date for opening bids or public auction shall
22 be announced in such advertisement. The acceptance of bids shall
23 be made only by public announcement at a regular or special
24 meeting of the board of township supervisors or at the public
25 auction. All bids shall be accepted on the condition that
26 payment of the purchase price in full shall be made within sixty
27 days of the acceptance of bids.

28 The board of supervisors shall have the authority to reject
29 all bids if such bids are deemed to be less than the fair market
30 value of the real property. In the case of a public auction, the

1 board of supervisors may establish a minimum bid based on the
2 fair market value of the real property.

3 Except as otherwise hereinafter provided in the case of
4 personal property of an estimated sale value of less than two
5 hundred dollars, no township personal property shall be disposed
6 of, by sale or otherwise, except upon approval of the board of
7 township supervisors, by ordinance or resolution. In cases where
8 the board of township supervisors shall approve a sale of such
9 property, it shall estimate the sale value of the entire lot to
10 be disposed of. If the board of township supervisors shall
11 estimate the sale value to be two hundred dollars or more, the
12 entire lot shall be advertised for sale once, in at least one
13 newspaper of general circulation in the township, not less than
14 ten days prior to the date fixed for the opening of bids or
15 public auction, and such date of opening of bids or public
16 auction shall be announced in such advertisement, and sale of
17 the property so advertised shall be made to the best responsible
18 bidder. The board of township supervisors shall have authority,
19 by resolution, to adopt a procedure for the sale of surplus
20 personal property of an estimated sale value of less than two
21 hundred dollars and the approval of the board of township
22 supervisors shall not be required for any individual sale that
23 shall be made in conformity to such procedure.

24 The provisions of this clause shall not be mandatory where
25 township property is to be traded in or exchanged for new
26 township property.

27 The provisions of this clause shall not prohibit the sale or
28 exchange of township property to public utilities.

29 The provisions of this clause requiring advertising for bids
30 or sale at public auction and sale to the highest bidder shall

1 not apply where township real or personal property is to be sold
2 to a county, city, borough, town, township, institution
3 district, school district, volunteer fire company, volunteer
4 ambulance service or volunteer rescue squad located within the
5 township, or municipal authority pursuant to the Municipality
6 Authorities Act of 1945, or to a nonprofit corporation engaged
7 in community industrial development or where real property is to
8 be sold to a person for his exclusive use in an industrial
9 development program or where real property is to be sold to a
10 nonprofit corporation organized as a public library for its
11 exclusive use as a library, or where real property is to be sold
12 to a nonprofit medical service corporation as authorized by
13 clause LXXI of section 702 or where real property is to be sold
14 to a nonprofit housing corporation as authorized by clause LXXII
15 of section 702. When real property is to be sold to a nonprofit
16 corporation organized as a public library for its exclusive use
17 as a library or to a nonprofit medical service corporation or to
18 a nonprofit housing corporation the board of township
19 supervisors may elect to accept such nominal consideration for
20 such sale as it shall deem appropriate. Real property sold
21 pursuant to this clause to a volunteer fire company, volunteer
22 ambulance service or volunteer rescue squad, nonprofit medical
23 service corporation or to a nonprofit housing corporation shall
24 be subject to the condition that when the property is not used
25 for the purposes of the company, service, squad or corporation
26 the property shall revert to the township.

27 Any officer who sells and each officer who votes in favor of
28 selling any township property, either real or personal, without
29 the provisions of this section having been complied with, shall
30 be subject to surcharge in the amount of any loss sustained by

1 the township by reason of such sale.

2 III. When real property has been dedicated, deeded or
3 devised to a township to be used for a designated purpose and
4 the real property is accepted and used for that purpose, or the
5 real property is not used for the purpose designated for a
6 period of ten years or more, and the township supervisors
7 determine that it is not possible or not desirable for the best
8 interest of the township to use the real property for the
9 purpose designated, the township supervisors, with the prior
10 approval of the court of quarter sessions, may, by ordinance,
11 reconvey to the original owners or their successors, heirs or
12 assigns, or otherwise dispose of the real property free and
13 clear of any public right.]

14 Section 1501. Suits.--Any township may sue and be sued.

15 Section 1502. Property; Penalty for Violation.--(a) The
16 board of supervisors may purchase, acquire by gift or otherwise,
17 hold, lease, let and convey, by sale or lease, any real and
18 personal property it judges to be to the best interest of the
19 township.

20 (b) Any supervisor who votes in favor of or knowingly
21 participates in the sale or lease of township real or personal
22 property in violation of this article is subject to surcharge to
23 the extent of any loss or injury to the township as a result of
24 the sale or lease.

25 Section 1503. Real Property.--(a) No real estate owned by
26 the township having a value in excess of fifteen hundred dollars
27 (\$1,500) may be sold except to the highest bidder after due
28 notice by advertisement for bids or advertisement of a public
29 auction in one newspaper of general circulation in the township.
30 The advertisement shall be published once not less than ten days

before the date set for the opening of bids or public auction,
and the date for opening bids or public auction shall be
announced in the advertisement. The acceptance of bids shall be
made only by public announcement at a regular or special meeting
of the board of supervisors or at the public auction. All bids
shall be accepted on the condition that payment of the purchase
price in full shall be made within sixty days of the acceptance
of bids.

(b) The board of supervisors may reject all bids if the bids
are deemed to be less than the fair market value of the
property. In the case of a public auction, the board of
supervisors may establish a minimum bid based on the fair market
value of the real property.

(c) The requirements of this section do not apply to
conveyances or leases of real property by a township to any
municipal corporation, the Federal Government, the Commonwealth,
or any institution district, school district, county, public
utility, volunteer fire company, nonprofit corporation engaged
in community industrial development, volunteer ambulance service
or volunteer rescue squad located within the township, nonprofit
corporation organized as a public library, nonprofit medical
service corporation, nonprofit housing corporation, nonprofit
organizations providing community service or development
activities or nonprofit corporation established for the
preservation of historical, architectural or aesthetic sites or
artifacts.

(d) When real property is sold to a nonprofit corporation
organized as a public library or to a nonprofit medical service
corporation, nonprofit housing corporation, volunteer fire
company, volunteer ambulance service or volunteer rescue squad,

the board of supervisors may elect to accept any nominal consideration for the property as it believes appropriate. Real property sold under this subsection is subject to the condition that when the property is not used for the purposes of the corporation or volunteer fire company, the property reverts to the township.

(e) No real estate may be purchased by a township unless the board of supervisors obtains at least one appraisal by a qualified real estate appraiser with respect to the real property in question. The person making the appraisal shall not be interested directly or indirectly in any aspect of the sale of the real estate. The price paid by the board of supervisors for the purchase of the real estate shall not exceed the price established by the appraisal.

(f) When real property has been dedicated, deeded or devised to a township to be used for a designated purpose and the real property is accepted and used for that purpose, or the real property is not used for the purpose designated for a period of ten years or more, and the township supervisors determine that it is not possible or not desirable for the best interest of the township to use the real property for the purpose designated, the township supervisors, with the prior approval of the court of common pleas, may, by ordinance, reconvey to the original owners or their successors, heirs or assigns, or otherwise dispose of, the real property free and clear of any public right.

Section 1504. Personal Property.--(a) No personal property of the township shall be sold or disposed of without the approval of the board of supervisors. No personal property owned by the township, the estimated value of which is five hundred

dollars (\$500) or more, shall be sold except to the highest bidder after due notice by advertisement for bids or for public auction in one newspaper of general circulation in the township. The advertisement shall be published once not less than ten days before the date set for the opening of bids or public auction, and the date for opening bids or public auction shall be announced in the advertisement. The acceptance of bids shall be made only by public announcement at a regular or special meeting of the board of supervisors or at the public auction. All bids shall be accepted on the condition that payment of the purchase price in full is made immediately upon acceptance of the successful bid. The board of supervisors may reject any bids received if the bids are believed to be less than the fair market value of the property.

(b) With respect to personal property, either individual items or lots of items, the value of which is estimated to be less than five hundred dollars (\$500), the board of supervisors may, by resolution, approve the sale of the personal property and adopt a procedure by which the property may be sold without further action by the board of supervisors. The board of supervisors may arrange for the sale of the item or items at public auction.

(c) The bidding and advertising requirements of this section do not apply to the following transactions:

(1) If personal property of the township is being traded in or exchanged for other personal property.

(2) The sale or lease of personal property to any municipal corporation, the Federal Government, the Commonwealth, or any institution district, school district, municipality authority, county, public utility, volunteer fire company, nonprofit

1 corporation engaged in community industrial development,
2 volunteer ambulance service or volunteer rescue squad located
3 within the township, nonprofit corporation organized as a public
4 library, nonprofit medical service corporation, nonprofit
5 housing corporation, nonprofit organizations providing community
6 service or development activities or nonprofit corporation
7 established for the preservation of historical, architectural or
8 aesthetical sites or artifacts.

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

18 I. Lighting.--To light and illuminate the highways, roads,
19 and other public places of the township with electric light,
20 gas, or other illuminating medium, and to provide for defraying
21 the cost, charges and expenses thereof; and, for such purposes,
22 to enter into contracts or agreements with any person,
23 copartnership, association, or corporation, for a period not
24 exceeding ten years, for the purpose of securing and maintaining
25 a supply of light.

26 II.1. Contracts and Assessments for Lighting.--To provide
27 street lights and to make regulations therefor within the
28 township or within any district of the township established by
29 the township supervisors for that purpose:

30 A. Upon receipt of a petition signed by seventy per centum

1 of the property owners within any defined area of the township,
2 township supervisors shall establish said defined area as a
3 lighting district or include such defined area within an
4 existing lighting district and shall provide public lighting
5 within such area.

6 B. The township supervisors may enter into contract with
7 electric, gas or other lighting companies to light and
8 illuminate said roads and highways and other public places with
9 electric light, gas light or other illuminant.

10 C. The township supervisors may pay for the cost of public
11 lighting by any one or combination of the following means
12 regardless of whether the installation of said lighting was
13 initiated by action of the township supervisors or by petition
14 as herein provided:

15 (a) from the general fund;

16 (b) through uniform annual assessments made upon benefited
17 properties on the front-foot basis;

18 (c) by uniform annual assessment upon each property
19 benefited; or

20 (d) by any combination of the above methods or by such other
21 equitable means of assessment as the township supervisors may
22 determine.

23 D. In cases where public street lighting is currently in
24 existence and is being paid for by a certain means or method,
25 the township supervisors may, at their discretion, alter or
26 amend the means of assessing the cost of such lighting.

27 E. Properties shall be subject to assessment for this
28 purpose whether or not the property is exempt from taxation by
29 existing law, by an equal assessment on all property in
30 proportion to the number of feet the same fronts on the street

1 or highway, or portion thereof to be lighted, or by an equal
2 assessment upon each property benefited.

3 F. If the front-foot method of assessment is used, the
4 assessment shall be by equal assessment on all property in
5 proportion to the number of feet the same fronts on the street
6 or highway, or portion thereof to be lighted. The township
7 supervisors may provide for an equitable reduction from the
8 frontage of lots at intersections or where, from the peculiar or
9 pointed shape of lots, an assessment of the full frontage would
10 be inequitable. No such assessment shall be made against any
11 farmland, but vacant lots between built-up sections, whether
12 tilled or untilled, shall not be deemed to be farmlands:

13 Provided, however, That the assessment per front foot against
14 vacant lots shall be only twenty-five per centum of the
15 assessment per foot against property with improvements thereon.

16 G. All such annual assessments for street lights, by
17 whatever method used, shall be filed with the township tax
18 collector for collection in the same manner as township taxes
19 are collected, and if said assessment is uncollected, the same
20 shall be a lien and shall be collectable in the same manner as
21 other municipal claims. The assessment may be billed on the
22 annual real estate tax bill for general township purposes if the
23 township supervisors agree to do so.

24 H. The township tax collector shall be entitled to the same
25 commission as he is entitled to for the collection of other
26 township taxes.

27 I. All assessments, when collected, shall be paid over to
28 the township treasurer, who shall receive and keep the same in a
29 separate account and pay out the same only upon orders signed by
30 the chairman of the township supervisors, attested by the

1 secretary. The tax collector and the treasurer shall make a
2 report to the auditors of the township annually.

3 III. Fire Hydrants and Water Supply for Fire Protection.--To
4 place, replace, operate, maintain and repair or to enter into
5 contracts with water companies or municipal authorities for the
6 placing, replacing, operating, maintaining and repairing of fire
7 hydrants, to water mains maintaining pressures approved by the
8 fire insurance underwriters along any highways, streets, roads
9 and alleys, or portions thereof, within the township, or to
10 provide for or acquire a water supply system equipped to supply
11 sufficient water for the protection of property from fire.

12 The moneys necessary for placing, replacing, operating,
13 maintaining and repairing such fire hydrants, or for fulfilling
14 contract obligations to water companies or municipal authorities
15 with respect to such fire hydrants, or for providing for or
16 acquiring any such water system may be obtained by proceeding in
17 accordance with the following:

18 A. If any such fire protection service is or was instituted
19 by the township supervisors without the petition of the surface
20 property owners of a majority of the lineal feet frontage along
21 any highways, streets, roads and alleys, or portions thereof,
22 within the township, such moneys may be obtained by any one of
23 the means set forth in subparagraphs (a), (b) or (c) of
24 paragraph (B) below.

25 B. If any such fire protection service is or was instituted
26 upon the petition of the surface property owners of a majority
27 of the lineal feet frontage along any highways, streets, roads
28 and alleys, or portions thereof, within the township, such
29 moneys may be obtained by any one of the means set forth in
30 subparagraphs (a), (b) or (c) below.

1 (a) The township supervisors shall annually assess, or cause
2 to be assessed, the cost and expense of such fire protection
3 service by an equal assessment upon all property, whether or not
4 exempt from taxation by existing law, abutting upon said
5 highways, streets, roads and alleys, or portions thereof, and
6 upon property within seven hundred and eighty feet of any fire
7 hydrant in the district benefited thereby, based upon the
8 assessment for county purposes. No such assessment shall be
9 levied against any farm land or land used as an aviation field
10 or against other property in the district not benefited thereby.
11 Such assessment shall be collected in the same manner as taxes.
12 The township tax collector shall receive the same commission as
13 on the township tax. The township treasurer shall receive all
14 such assessments collected for fire protection, and keep the
15 same in a separate account, and shall pay the same out only upon
16 orders signed by the chairman of the board of supervisors,
17 attested by the township secretary. The township treasurer shall
18 make a report to the auditors of the township annually.

19 (b) The township supervisors shall annually assess, or cause
20 to be assessed, the cost and expense of such fire protection
21 service by an equal assessment on all property, whether or not
22 exempt from taxation under existing law, abutting upon said
23 highways, streets, roads and alleys, or portions thereof, within
24 seven hundred and eighty feet of any fire hydrant in the
25 district benefited thereby, in proportion to the number of feet
26 the said property fronts on any highway, street, road or alley
27 upon which a water main is laid, or within seven hundred and
28 eighty feet of any fire hydrant on such highway, street, road or
29 alley. The township supervisors may provide for an equitable
30 reduction from the frontage of lots at intersections, or where

1 from the peculiar or pointed shape of lots an assessment of the
2 full frontage would be inequitable. No such assessment shall be
3 made against any farm land, but vacant lots between built-up
4 sections, either tilled or untilled, shall not be deemed to be
5 farm lands. All such assessments for fire protection shall be
6 filed with the township tax collector who shall give thirty (30)
7 days' written or printed notice that the assessments are due and
8 payable, stating the due date to each party assessed, either by
9 service on the owner of the property or by mailing such notice
10 to the owner at his last known post office address. The township
11 tax collector shall be entitled to the same commission for the
12 collection of such assessments as he is entitled to by law for
13 the collection of the township road tax. If the assessments or
14 any of them remain unpaid at the expiration of not exceeding
15 ninety (90) days, the exact time to be fixed by the township
16 supervisors, they shall be placed in the hands of the township
17 solicitor for collection. The township solicitor shall collect
18 the same together with five percent as attorney's commission and
19 interest from the date such assessments were due by a municipal
20 claim filed against the property of the delinquent owner in like
21 manner as municipal claims are by law filed and collected. Where
22 an owner has two or more lots against which there is an
23 assessment for the same year all such lots may be embraced in
24 one claim. All assessments when collected shall be paid over to
25 the township treasurer who shall receive and shall keep the same
26 in a separate account and shall pay the same only upon orders
27 signed by the chairman of the township supervisors attested by
28 the township secretary. The township tax collector and the
29 township treasurer shall make a report to the auditors of the
30 township, annually.

1 (c) The township supervisors may pay or cause to be paid the
2 cost and expenses for such fire protection out of the general
3 township fund.

4 If the township supervisors elect to pay the cost of fire
5 protection services out of the general fund, the special fire
6 protection districts and annual assessments shall be abolished.
7 All moneys in the separate accounts for the special fire
8 protection districts shall be paid into the general fund.

9 IV. Fire Protection.--Out of the general township fund to
10 purchase, or contribute to the purchase of, fire engines and
11 fire apparatus, for the use of the township and to appropriate
12 moneys to fire companies located therein for the operation and
13 maintenance thereof, and for the purchase and maintenance of
14 fire apparatus, and for the construction, repair and maintenance
15 of fire company houses, in order to secure fire protection for
16 the inhabitants of the township. An annual report of the
17 expenditure of such appropriated moneys shall be made to the
18 township supervisors for each completed fiscal year of the
19 township by such fire companies, verified by an officer thereof,
20 before any further payments shall be made to such fire companies
21 out of appropriations for any current fiscal year. To ordain
22 rules and regulations for the government of such fire companies
23 and their officers. To enter into contracts with or to make
24 grants to the proper authorities of near or adjacent cities,
25 boroughs, or townships, or fire departments, fire companies, or
26 fire company therein, for the furnishing to such townships of
27 fire protection by the fire department, fire departments, fire
28 companies, or fire company of such cities, boroughs, or
29 townships, and to make appropriations therefor.

30 IV.I. Ponds or Dams for Fire Protection.--To construct or

1 contribute money for or participate in the construction of ponds
2 or lawful dams for the purpose of providing water for fire
3 protection for villages or built-up sections in the townships.
4 This power shall be exercised only upon request of those
5 providing fire protection facilities serving the district in
6 which the pond or dam is located.

7 V. Watering Troughs.--To erect watering troughs along the
8 highways, at an expense not exceeding twenty dollars, and to
9 keep the same in repair.

10 VI. Memorial Day Appropriations.--To appropriate moneys for
11 the expenses of Memorial Day services.

12 VII. Road Bulletins.--To subscribe for not more than three
13 publications--the main subject-matter of which pertains to good
14 roads and road building. Such publications shall be for the
15 joint use of the officers of the township.

16 VIII. Ashes, Garbage, Rubbish and Other Refuse Materials.--
17 To regulate or prohibit the dumping or otherwise depositing of
18 ashes, garbage, rubbish and other refuse materials within the
19 township. To prohibit accumulations of ashes, garbage, rubbish
20 and other refuse materials upon private property, including the
21 imposition and collection of reasonable fees and charges for the
22 collection, removal and disposal thereof. They shall also have
23 power to--

24 (1) Collect, remove and dispose of or to provide, by
25 contract or otherwise, for the collection, removal and disposal,
26 by incineration, land fill or other methods of ashes, garbage,
27 rubbish and other refuse materials and to prescribe penalties
28 for the enforcement thereof. Any such contract may be made for a
29 period not exceeding three years. This limitation shall not
30 apply to contracts entered into with any other political

1 subdivision or with any municipality authority. To acquire any
2 real property and to erect, maintain, improve, operate, and
3 lease, either as lessor or lessee, facilities for incineration,
4 land fill or other methods of disposal, either within or without
5 the limits of the township, including equipment, either
6 separately or jointly, with any other political subdivision or
7 with any municipality authority in order to provide for the
8 destruction, collection, removal and disposal of ashes, garbage,
9 rubbish and other refuse materials and to provide for the
10 payment of the cost and expense thereof, either in whole or
11 part, out of the funds of the township and to acquire land for
12 land fill purposes, either amicably or by exercising the power
13 of eminent domain, and to maintain such lands and places for the
14 dumping of ashes, garbage, rubbish and other refuse material to
15 fix, alter, charge and collect rates, and other charges for the
16 collection, removal and disposal of ashes, garbage, rubbish and
17 other refuse materials and the costs of including the payment of
18 any indebtedness incurred for the construction, purchase,
19 improvement, repair, maintenance and operation of any facilities
20 therefor, and the amount due under any contract with any other
21 political subdivision or with any municipality authority
22 furnishing any of such services or facilities. To incur
23 indebtedness and issue bonds for the costs of the construction,
24 purchase, improvement and repair of any facilities for the
25 collection, removal and disposal of ashes, garbage, rubbish and
26 other refuse materials, including equipment to be used in
27 connection therewith. To make appropriations to any other
28 political subdivision or any municipality authority out of its
29 general funds or out of any other available funds, including the
30 proceeds of bonds of the township for the construction,

1 purchase, improvement, repair, maintenance and operation of any
2 facilities for the collection, removal and disposal of ashes,
3 garbage, rubbish and other refuse materials. In the event that
4 any such bonds were issued for such purposes, pursuant to a vote
5 of the electors, any appropriation of such proceeds as above set
6 forth shall not be deemed such a change of purpose from that for
7 which such bonds were issued as shall require the question to be
8 again submitted to a vote of the electors under any existing
9 law. Any such funds appropriated as herein authorized, which
10 represent the proceeds of any bonds heretofore or hereafter
11 issued by the township for the above purposes, shall be used by
12 such other political subdivision or municipality authority for
13 or toward the purpose or purposes for which such bonds were
14 issued. In the absence of such collection, removal and disposal
15 plan for the entire township the supervisors shall--

16 (2) on petition of a majority of the adult taxable residents
17 of any territory within the township, which has been definitely
18 defined, set apart and limited by the township supervisors, with
19 the approval of the township auditors, as a village, prior to
20 the filing of any such petition, either with township employees
21 and facilities, or with independent contractors, provide for the
22 removal from the village of ashes or garbage or other refuse
23 material, as the case may be, and for the disposal thereof. The
24 supervisors shall levy a per capita assessment upon all adult
25 residents of any such village, sufficient to defray the cost of
26 such removal and disposal. Such assessment shall be collected in
27 the same manner as per capita taxes, and the collector shall
28 receive the same commission thereon. The treasurer of the board
29 of supervisors shall receive all such assessments collected and
30 keep the same in a separate account and pay the same out only

1 upon orders signed by the chairman and attested by the secretary
2 of the board of supervisors. The treasurer shall make an annual
3 report of the account to the auditors of the township.

4 IX. Traffic Lights and Signals.--To provide for and to
5 expend moneys from the general township fund for the erection,
6 maintenance, and operation of traffic lights and traffic signals
7 whenever deemed necessary for the protection of the traveling
8 public.

9 X. Roads.--To purchase or hire material, equipment,
10 machinery, teams and implements as shall be necessary for the
11 construction, repair and maintenance of roads and bridges.
12 Records shall be kept of the rental paid for all equipment,
13 machinery, teams and implements hired. To lease or lend, for
14 adequate consideration, such equipment, machinery and
15 implements, to contract, to construct, reconstruct, improve or
16 maintain driveways on lands owned or occupied by school
17 districts of the township, to construct, reconstruct and
18 improve, and to contract for the construction, reconstruction
19 and improvement of roads in the township.

20 XI. Appropriations for Forestry.--To appropriate moneys from
21 the general township fund to any forest protection association
22 co-operating with the State Department of Forests and Waters, or
23 to be expended in direct co-operation with said Department of
24 Forests and Waters in forest work; and to purchase or take by
25 gift any forest lands for recreational purposes.

26 XII. Nuisances.--To prohibit nuisances, including but not
27 limited to, accumulations of garbage and rubbish, and the
28 storage of abandoned or junked automobiles, on private and
29 public property, and the carrying on of any offensive
30 manufacture or business; and to remove any nuisance or dangerous

1 structure on public or private grounds after notice to the owner
2 to do so, and, in his default, to collect the cost of such
3 removal, together with such penalty as may be prescribed by
4 ordinance from the owner by summary proceedings or in the manner
5 provided for the collection of municipal claims or by an action
6 of assumpsit without the filing of a claim. In the exercise of
7 the powers herein conferred, the township may institute
8 proceedings in courts of equity.

9 XIII. Insurance.--A. To expend out of the general township
10 fund such amount as may be necessary to secure workmen's
11 compensation insurance for its employes, including volunteer
12 firemen of companies duly recognized by the township by motion
13 or resolution, killed or injured while going to, returning from,
14 or attending fires in said township or territory adjacent
15 thereto, or while performing any other duties authorized by the
16 township.

17 B. To make contracts of insurance with any fire insurance
18 company, duly authorized by law to transact business in the
19 Commonwealth of Pennsylvania, on any building or property owned
20 by such township.

21 C. To make contracts with any insurance company, so
22 authorized, insuring any public liability of the township,
23 including insurance on every township officer, official, and
24 employe for liability arising from errors and omissions in the
25 performance of their duties in the course of their employment,
26 except that liability of elected or appointed officials or
27 officers for surcharge in accordance with law shall not be
28 affected hereby.

29 D. To make contracts of insurance with any insurance
30 company, or nonprofit hospitalization corporation, or nonprofit

1 medical service corporation, authorized to transact business
2 within the Commonwealth, insuring its township supervisors
3 pursuant to section 515, and employes, and/or their dependents,
4 or any class or classes thereof, under a policy or policies of
5 group insurance covering life, health, hospitalization, medical
6 service, or accident insurance, and may contract with any such
7 company, granting annuities or pensions, for the pensioning of
8 such employes, and for such purposes, may agree to pay part or
9 all of the premiums or charges for carrying such contracts, and
10 may appropriate out of its treasury any money necessary to pay
11 such premiums, or charges, or portions thereof. The supervisors
12 are hereby authorized, enabled and permitted to deduct from the
13 employe's pay, salary or compensation such part of the premium,
14 or charge, as is payable by the employe, and as may be so
15 authorized by the employe in writing. This provision is subject
16 to the following qualifications:

17 (1) Elected officials, except township supervisors who are
18 provided for in section 515, and appointed township officials
19 who are not employes of the township shall not be eligible for
20 participation in any life, health, hospitalization, medical
21 service or accident insurance coverage contract paid in whole or
22 in part by the township. Any such insurance coverage contract
23 entered into by a township between January 1, 1959, and March
24 31, 1985, that includes or provides coverage for elected
25 officials, except as provided in section 515, or appointed
26 township officials who are not employes of the township, shall
27 not be void or unlawful solely because such inclusion of such
28 officials was subsequently found to be without lawful authority.
29 No penalty, assessment, surcharge, forfeiture or disciplinary
30 action of any kind may occur as a result of participation by

1 such officials: Provided, however, That insurance benefits
2 payable to insureds or their beneficiaries arising out of or on
3 account of deaths, injuries, accidents or illnesses occurring
4 prior to the effective date of this amendatory act shall remain
5 the property of the insureds or their beneficiaries.

6 E. To contract with any such company or otherwise provide
7 for the granting of annuities or pensions, for the pensioning of
8 employes, and for such purposes, to pay part or all of the
9 premiums or charges for carrying such contracts, and to
10 appropriate out of its treasury any money necessary to pay such
11 premiums, or charges, costs or portions thereof. This provision
12 is subject to the following qualifications:

13 (1) The benefit coverage shall be provided to supervisor-
14 employes in accordance with section 515.

15 (2) The supervisors are hereby authorized to deduct,
16 pursuant to an employee's written authorization, from the
17 employee's pay, salary or compensation the part of the premium or
18 charge that is payable by the employee.

19 (3) Elected officials, except township supervisors who are
20 provided for in section 515, and appointed township officials
21 who are not employes of the township shall not be eligible for
22 participation in any pension or annuity contract paid in whole
23 or in part by the township. No elected official, except as
24 provided in section 515, or appointed township official who is
25 not an employe of the township, included in a township-paid
26 pension or annuity plan entered into by a township between
27 January 1, 1959, and March 31, 1985, shall be subject to any
28 penalty, assessment, surcharge, forfeiture or disciplinary
29 action of any kind as a result of said participation. Any
30 residual interest, value, refund of premium or benefits payable

1 on or after March 31, 1985, arising out of the township-paid
2 interest of the elected or appointed township officials shall
3 become the exclusive property of the township.

4 (4) If an elected official, except township supervisors who
5 are provided for in section 515, or an appointed official who is
6 not an employe of the township, personally contributed toward a
7 township-sponsored pension plan or annuity, he shall receive a
8 refund of his total contributions thereto, plus any interest
9 accumulated thereon. In lieu of a refund of contributions plus
10 accumulated interest, a township official who personally
11 contributed toward a pension or annuity plan in which he
12 participated may elect to purchase that portion of his pension
13 or annuity funded by the township. The appropriate compensation
14 to be paid to the township by the elected or appointed official
15 shall be determined by a qualified actuary, who shall report his
16 determination in accordance with the act of December 18, 1984
17 (P.L.1005, No.205), known as the "Municipal Pension Plan Funding
18 Standard and Recovery Act."

19 XIV. Armories.--To appropriate money or convey land, either
20 independently or in connection with any county, city, town,
21 borough or township, to the Commonwealth, for the purpose of
22 assisting the Armory Board of the Commonwealth in the erection
23 of armories for the use of the National Guard, and to furnish
24 water, light or fuel, free of cost to the Commonwealth, for use
25 in any armory of the National Guard, and to do all things
26 necessary to accomplish the purposes of this clause.

27 XV. National Guard.--To take by right of eminent domain, for
28 the purpose of appropriating to the township, for the use of the
29 National Guard of Pennsylvania, such public lands, easements,
30 and public property as may be in its possession or control, and

1 used or held by it for any other purpose. Such right, however,
2 shall not be exercised as to any street or highway or wharf.

3 XVI. Acquisition of Lands to Assist Armory Board.--To
4 acquire, by purchase or by gift or by the right of eminent
5 domain, any land for the use of the National Guard of
6 Pennsylvania, and to convey such lands so acquired to the
7 Commonwealth in order to assist the Armory Board in the erection
8 of armories. The power conferred by this clause shall not be
9 exercised to take any church property, graveyard, cemetery, or
10 any dwelling house, or the curtilage of the same, in the actual
11 occupancy of the owner.

12 XVII. Burial Plots of Ex-Service Persons.--To purchase plots
13 of ground in any cemetery or burial ground for the interment of
14 such deceased service men and women as shall hereafter die
15 within such township, or shall die beyond such township and
16 shall have a legal residence within such township at the time of
17 their death and whose bodies are entitled to be buried by the
18 county. Such plots of ground shall be paid for out of the
19 general township fund.

20 XVIII. Display of Flags.--To display the flag of the United
21 States, the Commonwealth, the official POW/MIA flag or the flag
22 of any county, city, borough or township on any public building
23 or grounds of the township.

24 XIX. Care of Memorials.--To take charge of, care for,
25 maintain and keep in good order and repair at the expense of the
26 township, any soldiers monument, gun or cartridge, or other
27 similar memorials, when there is not in existence any person,
28 body or organization to care for and maintain the same, and when
29 such memorials were not erected by the government of the United
30 States, the Commonwealth of Pennsylvania, any other state, or by

1 the commissioners of any county; and to receive from persons or
2 organizations funds for such purposes.

3 XX. Fireworks and Inflammable Articles.--To regulate and
4 prohibit, by resolution or ordinance, the manufacture, of
5 fireworks or other inflammable or dangerous articles; to grant
6 permits for supervised public displays of fireworks and to adopt
7 reasonable rules and regulations governing such displays; to
8 adopt reasonable rules and regulations not inconsistent with
9 State regulations covering the storage of inflammable articles;
10 and to prescribe such other safeguards concerning the same as
11 may be necessary. In the exercise of the powers herein
12 conferred, the township may institute proceedings in courts of
13 equity.

14 XXI. Support of National Guard Units.--To appropriate
15 annually a sum not exceeding seven hundred and fifty dollars for
16 the support and maintenance, discipline and training of any
17 dismounted company or similar unit of the National Guard, and a
18 sum not to exceed fifteen hundred dollars for the support and
19 maintenance of any mounted or motorized troop or similar unit of
20 the National Guard. Where such units are organized as a
21 battalion, regiment or similar organization, the total amount
22 due may be paid to the commanding officer of the battalion,
23 regiment or similar organization. Any moneys so appropriated
24 shall be paid by warrant drawn to the order of the commanding
25 officer of such company, battalion, regiment or similar
26 organization, only when it shall be certified to the township,
27 by the Adjutant General of the State, that the said company or
28 companies have satisfactorily passed the annual inspection
29 provided by law. The moneys so appropriated shall be used and
30 expended solely and exclusively for the support and maintenance,

1 discipline and training of the said company, battalion,
2 regiment, or similar organization; and the commanding officers
3 shall account, by proper vouchers to the said township each
4 year, for the expenditure of the money so appropriated, and no
5 appropriation shall be made for any subsequent year until the
6 expenditure of the previous year is duly and satisfactorily
7 accounted for.

8 The accounts of such expenditures shall be subject to the
9 inspection of the Department of Military Affairs, and shall be
10 audited by the Auditor General in the manner provided by law for
11 the audit of accounts of state moneys.

12 XXII. Fire Hydrants and Water Supply; Special Tax.--With the
13 consent of fifty-one per centum of the electors of the township
14 voting thereon, as hereinafter provided, to contract with water
15 companies for the placing of fire hydrants, and for the
16 maintenance of adequate water pressure for fire purposes, and to
17 levy an annual tax, not exceeding two mills, for the purpose of
18 defraying the expense thereof.

19 Whenever five per centum or more registered electors of the
20 township shall petition the supervisors for the establishment
21 and maintenance of fire hydrants and fire hydrant water service,
22 and the levy of a tax, not exceeding two mills, to defray the
23 expense thereof, and for a referendum thereon, the supervisors
24 shall, if they approve thereof, cause a question to be submitted
25 at the next municipal election occurring at least sixty days
26 thereafter, by certifying a resolution duly adopted to the
27 county board of elections for submission on the ballot or on
28 voting machines, in the manner provided by the election laws of
29 this Commonwealth. If fifty-one per centum or more of the
30 persons voting on such question in the township shall vote

1 "Yes," then the supervisors shall have power to enter into such
2 contract and levy an annual tax as aforesaid: Provided, That no
3 such question shall be submitted at any election unless the
4 resolution of the board of supervisors authorizing the same
5 shall be published once in a newspaper of general circulation
6 published in the county in which the township is situated. If
7 within thirty days after date of publication, taxpayers of the
8 township whose property valuation as assessed for taxable
9 purposes within the township shall amount to thirty-five per
10 centum of the total property valuation as assessed for taxable
11 purposes within the township, shall sign and file with the
12 chairman of the board of supervisors a written protest against
13 submitting such question at any election, then the board of
14 supervisors shall not certify any resolution to the county board
15 of elections as provided in this clause.

16 XXIII. Regulation of Parks.--To regulate by resolution or
17 ordinance the use and enjoyment by the public of any park or
18 recreational grounds owned and operated by charitable
19 organizations for the use of the public without charge; to
20 prescribe rules for the use by the public of such parks and
21 recreational grounds and the facilities and amusements connected
22 therewith; and to make any violation of such rules when posted
23 at conspicuous places in such parks or recreational grounds
24 punishable in a summary proceeding before any justice of the
25 peace, alderman or magistrate of the county by the payment of
26 costs of prosecution and a fine of not more than ten dollars,
27 and, in default of the payment thereof, imprisonment in the jail
28 of the county for a period not exceeding five days.

29 Any police officer when displaying a badge or sign of
30 authority may arrest upon view any person violating any such

1 rules, and such peace officer shall forthwith make and file with
2 the justice of the peace, alderman or magistrate before whom the
3 arrested person is taken an information setting forth the
4 offense.

5 XXIV. Regulation of Parking.--To regulate parking, to
6 provide parking accommodations so as to promote the convenience
7 and protection of the public and to establish or designate, at
8 the discretion of the supervisors, parking areas exclusively
9 reserved for handicapped parking purposes. The supervisors shall
10 also have power to erect parking meters and to regulate parking
11 meter charges and to post signs regulating parking in areas
12 established or designated for handicapped parking.

13 XXV. Zoning Ordinances.--To adopt and enforce zoning
14 ordinances, regulating the location, construction, and use of
15 buildings, the size of courts and open spaces, the density of
16 population, and the use of land.

17 XXVI. Obstruction of Roads, Drains and Bridges.--To
18 prohibit, by ordinance, the erection or construction of any
19 obstruction to the convenient use of the roads, footwalks,
20 culverts, drains and bridges in the township.

21 XXVII. Cemetery, Cesspool, Sewer and Drainage Regulations.--
22 To make regulations, by ordinance, respecting cemeteries,
23 vaults, sewers, drains and cesspools.

24 XXVIII. Abandoned Cemeteries.--Whenever any cemetery or
25 burial ground incorporated or unincorporated, is abandoned, or
26 is being neglected although occasionally used for burial
27 purposes, either of the following actions may be taken:

28 (1) The township supervisors may give notice to the owner
29 thereof, directing him to remove the weeds, refuse and debris
30 therefrom within thirty days. If the weeds, refuse and debris

1 are not removed within thirty days after such notice, the
2 supervisors shall cause the same to be done by employees of the
3 township or persons hired for the purpose at the expense of the
4 township. In no case shall the township supervisors expend more
5 than five hundred dollars in any one year on any one cemetery.
6 All costs and expenses of such removal shall be a debt owed to
7 the township by the owner of the cemetery or burial ground, and
8 may be collected therefrom as like debts are collected, or (2)
9 the court of common pleas of the county, upon petition of
10 twenty-five residents of the township wherein such cemetery is
11 located, may direct the supervisors to care for such cemetery at
12 a cost of not more than five hundred dollars in any one year.
13 The supervisors shall expend moneys from the general township
14 fund for such purpose. Such cemetery shall remain open to the
15 public under the regulation and control of the supervisors.

16 XXIX. Health.--To make such regulations, by ordinance, not
17 inconsistent with State laws and regulations, as may be
18 necessary for the promotion of the health, cleanliness, comfort
19 and safety of the citizens of the township.

20 XXX. Sewers.--In the manner hereinafter provided, to
21 establish and construct, singly or jointly with other
22 municipalities, sewer and drainage systems in the township, or
23 part thereof, and to finance and assess the cost thereof, and to
24 provide for the making of sewer constructions and the charging
25 of rental for sewerage service.

26 XXXI. Water Supply.--In the manner hereinafter provided, to
27 provide a supply of water for public or private uses in the
28 township, or part thereof, and to finance and assess the cost
29 thereof, to provide for the construction of necessary lines and
30 works therefor, and to charge and collect water rentals.

1 XXXII. Fire Prevention.--To make regulations, by ordinance,
2 relative to the cause and prevention of fires. Such ordinances
3 may adopt any standard fire prevention code published and
4 printed in book form covering the above items without
5 incorporating such code in the ordinance, or any township may
6 enact such fire prevention code as its ordinance authorized
7 under the provisions of this clause. In either event, such code
8 shall not be published or advertised in full as provided by this
9 section in the case of the adoption of ordinances. Notice of the
10 adoption of such standard fire prevention code as the fire
11 prevention ordinance of the township, together with a brief
12 summary thereof setting forth the principal provisions of said
13 ordinance in such reasonable detail as will give adequate notice
14 of its contents, pursuant to a uniform form which shall be
15 prepared or approved by the Pennsylvania State Police, and a
16 reference to the place or places within the township where
17 copies of the code adopted are deposited and may be examined,
18 shall be published in the manner provided by this section for
19 the publication of ordinances. Not less than three such copies
20 shall be made available to public inspection and use during
21 business hours, for a period of not less than three months after
22 the adoption of such fire prevention code.

23 XXXIII. Public Amusements.--To regulate, by ordinance, not
24 inconsistent with State law and regulations, the time of opening
25 and closing, and the conduct of places of public entertainment,
26 amusement and recreation.

27 XXXIV. Parks and Recreation Centers.--To designate, set
28 apart, acquire by gift, devise, purchase, lease or by the
29 exercise of the right of eminent domain, supervise, operate and
30 maintain, in the manner hereinafter provided, parks,

1 playgrounds, playfields, gymnasiums, public parks, swimming
2 pools and recreation centers.

3 XXXV. Regulation of Dogs.--To prohibit or regulate by
4 ordinance, the running at large of dogs.

5 XXXVI. Lockups.--To provide lockup facilities.

6 XXXVII. Naming of Streets; Numbering of Buildings.--To
7 provide for and regulate the naming of streets, roads and
8 highways, and to require and regulate the numbering of
9 buildings.

10 XXXVIII. Sidewalks and Footpaths.--To provide for and expend
11 moneys from the general fund of the township for the
12 construction and maintenance of sidewalks and footpaths,
13 whenever deemed necessary, for the protection of the traveling
14 public.

15 XXXIX. Transient Merchants.--To license and regulate, by
16 ordinance, transient retail merchants in the manner and to the
17 extent hereinafter provided.

18 XL. Joint Municipal Agreements.--To enter into agreements
19 with other political subdivisions, in accordance with existing
20 laws, in making joint purchases of materials, supplies or
21 equipment, and in cooperating with other political subdivisions
22 in promotion of the health of the citizens and residents of the
23 township and other political subdivisions, and in performing
24 governmental powers, duties and functions, and in carrying into
25 effect provisions of law relating to said subjects, which are
26 common to all such political subdivisions.

27 XLI. Ordinances.--To adopt ordinances prescribing the manner
28 in which such specific powers of the township shall be carried
29 out. All such proposed ordinances, unless otherwise provided by
30 law, shall be published not more than sixty days nor less than

1 seven days prior to passage at least once in one newspaper
2 circulating generally in the township. Public notices of any
3 proposed ordinances shall include either the full text thereof
4 or the title and a brief summary prepared by the township
5 solicitor, if the township has a solicitor, otherwise by that
6 individual who drafted the ordinance setting forth all the
7 provisions in reasonable detail and a reference to a place
8 within the township where copies of the proposed ordinance may
9 be examined. If the full text is not included a copy thereof
10 shall be supplied to a newspaper of general circulation in the
11 county at the time the public notice is published. If the full
12 text is not included an attested copy thereof shall be filed in
13 the county law library or other county office designated by the
14 county commissioners who may impose a fee no greater than that
15 necessary to cover the actual costs of storing said ordinances.
16 In the event substantial amendments are made in the proposed
17 ordinance or resolution, before voting upon enactment, the board
18 of supervisors shall within ten days readvertise in one
19 newspaper of general circulation in the township, a brief
20 summary setting forth all the provisions in reasonable detail
21 together with a summary of the amendments. Such ordinances shall
22 be recorded in the ordinance book of the township and shall
23 become effective five days after such adoption. Any and all
24 township ordinances, or portions thereof, the text of which,
25 prior to the effective date of this reenactment and amendment,
26 shall have been attached to the township ordinance book, shall
27 be considered in force just as if such ordinances, or portions
28 thereof, had been recorded directly upon the pages of such
29 ordinance book: Provided, That all other requirements of this
30 act applicable to the enactment, approval, advertising and

1 recording of such ordinances or portions thereof, were complied
2 with within the time limits prescribed by this act. In any case
3 in which maps, plans, or drawings of any kind are adopted as
4 part of an ordinance, the supervisors may, instead of publishing
5 the same as part of the ordinance, refer in publishing the
6 ordinance to the place where such maps, plans, or drawings are
7 on file and may be examined. The board of supervisors may
8 prescribe fines and penalties not exceeding one thousand dollars
9 for a violation of a building, housing, property maintenance,
10 health, fire or public safety code or ordinance and for water,
11 air and noise pollution violations, and not exceeding six
12 hundred dollars for a violation of any other township ordinance,
13 which fines and penalties may be collected by suit or summary
14 proceeding brought in the name of the township before any
15 justice of the peace. Proceedings for the violation of township
16 ordinances and for the collection of fines and penalties imposed
17 thereby may be commenced by warrant, or by summons, at the
18 discretion of the justice of the peace before whom the
19 proceeding is begun. No warrant shall be issued, except upon
20 complaint on oath or affirmation specifying the ordinance for
21 the violation of which the same is issued. All proceedings shall
22 be directed to, and be served by, a constable of the township.
23 Warrants shall be returnable forthwith and upon such return like
24 proceeding shall be had, as in cases of summary conviction. All
25 fines and penalties collected for the violation of township
26 ordinances shall be paid over to the township treasury. Upon
27 judgment against any person by summary conviction, or by
28 proceedings by summons on default of the payment of the fine or
29 penalty imposed and the costs, the defendant may be sentenced
30 and committed to the township lockup for a period not exceeding

1 five days, or to the county jail, or workhouse for a period not
2 exceeding thirty days.

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

5 XLI.I. Consolidation, Codification or Revision of
6 Ordinances.--Whenever any township shall have caused to be
7 prepared a consolidation, codification or revision of the
8 general body of township ordinances or the ordinances on a
9 particular subject, the township supervisors may adopt such
10 consolidation, codification or revision as an ordinance of the
11 township, in the same manner that is now prescribed by law for
12 the adoption of township ordinances, except as hereinafter
13 provided.

14 Any such consolidation, codification or revision of township
15 ordinances to be enacted as a single ordinance shall be
16 introduced in the board of township supervisors at least thirty
17 days before its final enactment, and at least fifteen days
18 before its final enactment, notice of the introduction of any
19 consolidation, codification or revision, specifying its general
20 nature and listing its table of contents, shall be given by
21 advertisement in a newspaper of general circulation in said
22 township.

23 When any such consolidation, codification or revision has
24 been enacted as an ordinance, it shall not be necessary to
25 advertise the entire text thereof, but it shall be sufficient in
26 any such case, to publish a notice stating that such
27 consolidation, codification or revision, notice of the
28 introduction of which had previously been given, was finally
29 enacted.

30 The procedure set forth in this clause for the consolidation

1 or codification of township ordinances as a single ordinance may
2 also be followed in enacting a complete group or body of
3 ordinances, repealing or amending existing ordinances as may be
4 necessary in the course of preparing a consolidation,
5 codification or revision of the township ordinances, except that
6 in such case the advertisement giving notice of the introduction
7 shall list, in lieu of a table of contents, the titles only of
8 each of the ordinances in such complete group or body of
9 ordinances.

10 XLI.2. Adoption and Amendment of Codes by Reference.--To
11 adopt any ordinance by reference to a standard or nationally
12 recognized code, or to parts thereof, determined by the board,
13 or the provisions of any ordinance supplied by reference to a
14 typed or printed code, prepared under the direction of or
15 accepted by the board, or the provisions of a standard or
16 nationally recognized code, or parts thereof, and also further
17 provisions typed or printed as aforesaid: Provided, however,
18 That no portion of any code which limits the work to be
19 performed to any type of construction contractor, or labor or
20 mechanic classification shall be adopted. Such code need not be
21 advertised by publication of the full text thereof, and in place
22 of such complete advertisement, an informative notice of
23 intention to consider such proposed code, and a brief summary,
24 setting forth the principal provisions of the code in such
25 reasonable detail as will give adequate notice of its contents
26 and a reference to the place or places within the township where
27 copies of the proposed code may be examined or obtained shall be
28 published in the manner and within the time limits provided by
29 this act for publication of notice of other proposed ordinances.
30 Not less than three copies of such code, portion, or amendment

1 which is incorporated or adopted by reference, shall be filed
2 with the secretary of the township at least ten days before the
3 board considers the proposed ordinance and upon enactment kept
4 with the ordinance book, and available for public use,
5 inspection and examination.

6 An ordinance adopted by reference to any code shall be
7 enacted within sixty days after it is filed with the secretary
8 of the township and, in the case of a standard or nationally
9 recognized code, shall encompass the provisions of such code
10 effective as of the code date stated in the ordinance.

11 Any township that has adopted any code by reference to a
12 standard or nationally recognized code may adopt subsequent
13 ordinances which incorporate by reference any subsequent changes
14 thereof, properly identified as to date and source, as may be
15 adopted by the agency or association which promulgated the code.
16 Any ordinances which incorporate code amendments by reference
17 shall become effective after the same procedure and in the same
18 manner as is herein specified for original adoption of any such
19 code.

20 XLII. Airports.--To acquire by lease or purchase or by
21 exercising the power of eminent domain, in the manner provided
22 in article ten of this act, any land lying either within or
23 without the limits of the township, which in the judgment of the
24 corporate authorities thereof, may be necessary and desirable
25 for the purpose of establishing and maintaining municipal
26 airdromes, aviation landing fields and airport facilities. The
27 title acquired by the township exercising the power of
28 condemnation shall be a title in fee simple. Any township having
29 acquired land for such purposes may establish, equip, condition,
30 operate and maintain the same as a municipal airport, airdrome,

1 landing field, or intermediate landing field, and may lease the
2 same or any part thereof, to any individual or corporation
3 desiring to use the same for aviation purposes, and may enter
4 into a contract in the form of a lease providing for the use of
5 said land, or any part thereof, by the Government of the United
6 States for the use by said Government of said land for aviation
7 purposes upon nominal rental or without consideration.

8 Any township may acquire by lease or purchase land for
9 aviation purposes as hereinbefore provided jointly with any
10 county, city, borough, township, or political subdivision or
11 municipality authority of this Commonwealth, and is hereby
12 authorized and empowered to operate and maintain said airport,
13 airdrome, landing field, or intermediate landing field jointly
14 with any county, city, borough, township, or other political
15 subdivision or municipality authority of this Commonwealth upon
16 such terms and conditions, as may be agreed upon between the
17 proper authorities of the county, city, borough, township, or
18 other political subdivision of this Commonwealth.

19 XLIII. Police Protection Districts; Assessments.--To provide
20 police protection and promote the public safety, health,
21 convenience and welfare of its citizens the board of township
22 supervisors is hereby empowered, with the approval of the
23 township auditors, on petition of a majority of the property
24 owners of any territory within the township, to designate,
25 definitely define, set apart and limit any part of such
26 territory, as a district for the purpose of providing such
27 districts adequate police protection. Such police protection may
28 be furnished jointly with one or more other townships or
29 boroughs under an agreement with such townships and boroughs.
30 The township supervisors shall annually assess or cause to be

1 assessed the cost and expense of the maintenance of said police
2 protection by an equal assessment on all property benefited by
3 such protection in proportion to the number of feet the same
4 fronts on the street or highway or portion thereof to be
5 protected. The supervisors may provide for an equitable
6 reduction from the frontage of lots at intersections or where
7 from the peculiar or pointed shape of lots an assessment of the
8 full frontage would be inequitable. No such assessment shall be
9 made against any farm land, but vacant lots between built-up
10 sections, whether tilled or untilled, shall not be deemed to be
11 farm lands: Provided, however, That the assessment per front
12 foot against vacant lots shall be only twenty-five per centum
13 (25%) of the assessment per foot front against property with
14 improvements thereon. All such assessments for police protection
15 shall be filed with the township tax collector, who shall give
16 thirty days' written or printed notice that the assessments are
17 due and payable, stating the due date to each party assessed
18 either by service on the owner of the property or by mailing
19 such notice to the owner at his last known post office address.
20 The tax collector shall be entitled to the same commission for
21 the collection of such assessments as he is entitled to by law
22 for the collection of the township road tax. If the assessments
23 or any of them remain unpaid at the expiration of not exceeding
24 ninety days, the exact time to be fixed by the township
25 supervisors, they shall be placed in the hands of the township
26 solicitor for collection. The solicitor shall collect the same
27 together with five per centum (5%) as attorney's commission, and
28 interest from the date such assessments were due, by a municipal
29 claim filed against the property of the delinquent owner in like
30 manner as municipal claims are by law filed and collected. Where

1 an owner has two or more lots against which there is an
2 assessment for the same year all such lots shall be embraced in
3 one claim. All assessments, when collected, shall be paid over
4 to the township treasurer, who shall receive and shall keep the
5 same in a separate account, and pay out the same only upon
6 orders signed by the chairman of the township supervisors,
7 attested by the secretary. The tax collector and the treasurer
8 shall make a report to the auditors of the township annually.

9 XLIV. Widening and Deepening Water-Courses.--After a permit
10 has been secured from the Water and Power Resources Board, to
11 widen and deepen water-courses running through the township and
12 to erect such dikes, retaining walls and embankments along the
13 same as shall be necessary to prevent water from overflowing the
14 banks thereof. For such purposes, townships may enter upon and
15 condemn such property as may be necessary. Townships may enter
16 upon land lying near such water-courses and secure such material
17 as may be necessary in connection with such work. Damages for
18 property taken, injured or destroyed as the result of such work
19 shall be fixed and determined in the manner provided in article
20 ten of this act. Townships may appropriate moneys from the
21 general fund for the purpose of carrying into effect the
22 provisions of this clause.

23 XLV. Appointment of Accountant.--To employ a certified
24 public accountant registered in Pennsylvania, a firm of
25 certified public accountants so registered or a competent public
26 accountant or a competent firm of public accountants to be
27 appointed by the court of common pleas at least thirty days
28 prior to the close of the fiscal year to audit the accounts of
29 the township and the township officers, if a petition has been
30 presented to the supervisors by at least twenty-five taxpayers

1 of the township asking for such appointment. The amount paid to
2 the accountant or firm in any year shall not exceed the maximum
3 allowed by law to be paid to the township auditors in such year,
4 unless the payment of an additional amount is approved by the
5 court. When an accountant or firm is appointed as herein
6 provided, the township auditors shall not audit, settle or
7 adjust the accounts audited by such appointee but shall perform
8 the other duties of their office. After the initial appointment,
9 the township supervisors may, at their discretion, continue to
10 employ the court-appointed accountant or firm on an annual basis
11 by ordinance or resolution passed prior to the close of the
12 fiscal year.

13 When an accountant or firm is employed under the provisions
14 of this clause, the accountant or firm shall have the powers
15 given to the auditors under sections 545, 546 and 551 of this
16 act, except the power to fix compensations authorized in section
17 515, and referred to in section 545 of this act. They shall
18 perform the duties of the auditors as provided in section 547.
19 They shall be subject to the same penalties to which the
20 auditors are subject under section 549.

21 The report of the accountant or firm is subject to appeals
22 the same as reports of auditors under sections 553, 554, 555,
23 556, 557, 558, 559, 560, 561, 562 and 563 of this act.

24 XLV.1. Independent Audit.--For the purpose of meeting
25 Federal or State requirements, to contract with or employ an
26 independent public accountant for the purpose of preparing or
27 conducting a report or audit of the fiscal affairs of the
28 township, independent of that conducted by the elected township
29 auditors.

30 XLVI. Ambulances and Rescue and Life Saving Services.--To

1 acquire and to operate and maintain motor vehicles for the
2 purposes of conveying sick and injured persons of such townships
3 and the vicinity to and from hospitals, and for such purposes to
4 appropriate and expend moneys of the township or to appropriate
5 money annually towards ambulance and rescue and life saving
6 service, and to enter into contracts relating thereto. All
7 appropriations of money heretofore made and contracts heretofore
8 entered into by any township for such service are hereby
9 validated and confirmed.

10 XLVII. Public Safety.--To take all needful means for
11 securing the safety of persons or property within the township,
12 including the power to adopt ordinances defining disturbing the
13 peace within the limits of the township and to provide in such
14 ordinances for the imposition of penalties for the violation
15 thereof, but such penalties shall not be in excess of twenty-
16 five dollars notwithstanding like statutes pertaining to the
17 same or similar offenses. All penalties imposed for the
18 violation of such ordinances shall be paid to the township
19 treasurer for the use of the township.

20 XLVIII. Committing Magistrate.--To designate, from time to
21 time, one of the justices of the peace to sit at the police
22 station or town hall as a committing magistrate.

23 XLIX. Fire Houses.--To provide and maintain suitable places
24 for the housing of engines, hose carts and other apparatus for
25 the extinguishment of fire.

26 L. Building and Housing Regulations.--To prohibit or
27 regulate the erection of wooden buildings and housing in certain
28 parts of the township, and make regulations for the construction
29 of new buildings and housing and the alteration and repair of
30 old ones, and to require that before the work begins, municipal

1 approval of the plans and specifications therefor be secured; to
2 classify buildings and housing or parts of buildings and housing
3 according to the use to be made of them; to specify the mode of
4 construction of such different classes of buildings and housing;
5 and to require that before any use or occupancy be changed from
6 any classification to a different classification, as to which
7 more stringent regulations are prescribed under the provisions
8 of any ordinance relating thereto, municipal approval of the
9 plans and specifications therefor be secured.

10 LI. Building and Housing Sanitation Regulations.--In
11 addition to other remedies provided by law, and in order to
12 promote the public health, safety, morals, and the general
13 welfare, to enact and enforce suitable ordinances to govern and
14 regulate the construction, alteration, repairs, occupation,
15 maintenance, sanitation, lighting, ventilation, water supply,
16 toilet facilities, drainage, use and inspection of all buildings
17 and housing or parts of buildings and housing constructed,
18 erected, altered, designed, or used in whole or in part for
19 human habitation, and of the sanitation and inspection of land
20 appurtenant thereto. In case any building and housing or
21 structure is constructed, reconstructed, altered, repaired,
22 converted, or maintained, or any building, housing or land is
23 used in violation of any ordinance enacted under authority
24 conferred hereby, the township supervisors, in addition to
25 penalties provided by ordinances enacted hereunder, may
26 institute appropriate actions or proceedings at law or in equity
27 to prevent and restrain such unlawful construction,
28 reconstruction, alteration, repairs, conversion, maintenance, or
29 use, and to restrain, correct or abate such violation, and to
30 prevent the occupancy of said building, housing or structure.

1 The ordinances enacted pursuant to this clause shall not be
2 inconsistent with the provisions of any statute governing the
3 same matter, but all regulations prescribed by such ordinances
4 which are additional or supplementary to the statute law and not
5 inconsistent therewith, or enacted for the purpose of carrying
6 into effect the provisions of the statute law, shall be valid
7 and binding. Such ordinances may adopt any standard building
8 code and any standard housing code published and printed in book
9 form covering any or all of the above items without
10 incorporating such building code and housing code in the
11 ordinance, or any township may enact such building code and
12 housing code as its ordinance authorized under the provisions of
13 this clause. In either event, such building code and housing
14 code shall not be published or advertised in full as provided by
15 this section in the case of the adoption of ordinances:
16 Provided, That notice of the adoption of such standard building
17 code and such standard housing code as the building ordinance
18 and the housing ordinance of the township, together with a brief
19 summary thereof setting forth the principal provisions of said
20 ordinance in such reasonable detail as will give adequate notice
21 of its contents, pursuant to a uniform form which shall be
22 prepared or approved by the Department of Labor and Industry,
23 and a reference to the place or places within the township where
24 copies of the building code and copies of the housing code
25 adopted are deposited and may be examined, shall be published in
26 the manner provided by this section for the publication of
27 ordinances. Not less than three such copies shall be made
28 available to public inspection and use during business hours for
29 a period of not less than three months after the adoption of
30 such building code and such housing code.

1 LII. Building Inspectors and Housing Inspectors.--To provide
2 for the inspection of the construction and repair of buildings
3 and housing, including the appointment of one or more building
4 inspectors and housing inspectors; to prescribe limits wherein
5 none but buildings and housing of noncombustible material and
6 fireproof roofs shall be erected or substantially reconstructed
7 or removed thereinto; to provide penalties for the violation of
8 such regulations. Any building and housing erected,
9 reconstructed or removed contrary to the provisions of any
10 ordinance passed for any of the purposes herein specified, is
11 declared to be a public nuisance and abatable as such.

12 LIII. Building Lines.--To establish, by ordinance, and
13 maintain, uniform building lines upon any or all public streets
14 or highways of the township.

15 LIV. Township Seals.--To adopt a seal which shall contain
16 the name of the township and the word "seal," and which shall be
17 in the custody of the township supervisors. The official acts of
18 the supervisors shall be authenticated therewith, and the seal
19 shall have the same effect when used for such authentication as
20 the seal of a notary public.

21 LV. Creation of Capital Reserve Fund for Anticipated Capital
22 Expenditures.--To create and maintain a separate capital reserve
23 fund for any anticipated legal capital expenditures, which fund
24 shall be designated for a specific purpose or purposes at the
25 time of its creation. The money in the fund shall be used, from
26 time to time, for the construction, purchase or replacement of
27 or addition to municipal buildings, equipment, machinery, motor
28 vehicles or other capital assets of the township as specified at
29 the time of the creation of the fund and for no other purpose:
30 Provided, That it may be used for capital expenditure other than

1 the purpose or purposes specified at the time it was created, if
2 the supervisors by a unanimous vote shall declare that the
3 original purpose or purposes have become impracticable,
4 inadvisable or impossible, or that conditions have arisen in the
5 township which make other capital expenditures more urgent than
6 those for which the fund was created.

7 The township supervisors may appropriate moneys from the
8 general township funds to be paid into the capital reserve fund,
9 or place in the fund any moneys received from the sale, lease or
10 other disposition of any township property or from any other
11 source, unless received or acquired for a particular purpose.
12 The fund shall be controlled, invested, reinvested and
13 administered and the moneys therein and income from such moneys
14 expended for the specific purpose or purposes for which the fund
15 is created in such manner as may be determined by the township
16 supervisors. The money in the fund, when invested, shall be
17 invested in securities designated by law as legal investments
18 for sinking funds of municipalities.

19 LVI. Contributions for Industrial Promotion.--To make
20 appropriations to an industrial development agency.

21 LVII. Appropriations for Community Nursing Services.--To
22 appropriate money annually towards any nonprofit associations or
23 corporations which provide community nursing services, in
24 recognition of their services in the control of communicable
25 disease, the immunization of children, the operation of child
26 health centers (Well-Baby Clinics), instructive visits to
27 parents of new babies beginning in the prenatal period and
28 family health guidance, including nutrition, detection and
29 correction of defects.

30 LVIII. Junk Dealers and Junk Yards.--To regulate and license

1 junk dealers and the establishment and maintenance of junk yards
2 and scrap yards including, but not limited to, automobile junk
3 or grave yards and to prescribe license fees therefor not to
4 exceed two hundred dollars per year.

5 LIX. Appropriations for Handling, Storage and Distribution
6 of Surplus Foods.--The board of township supervisors of any
7 township may appropriate from township funds moneys for the
8 handling, storage and distribution of surplus foods obtained
9 either through a local, State or Federal agency.

10 All appropriations of moneys heretofore made by the board of
11 township supervisors of any township for the handling, storage
12 and distribution of surplus foods obtained either through a
13 local, State or Federal agency are hereby validated.

14 LX. Historical Property.--To acquire by purchase or by gift,
15 and to repair, supervise, operate and maintain ancient landmarks
16 and other property of historical or antiquarian interest, and to
17 make appropriations to nonprofit associations or corporations
18 organized for the purpose of acquiring and maintaining
19 historical properties. Such appropriations shall only be used by
20 the association or corporation for the acquisition, restoration
21 and maintenance of the historical properties.

22 LXI. Insect, Pest and Vector Programs.--To appropriate money
23 annually toward insect, pest and vector programs.

24 LXII. General Powers.--To make and adopt all such
25 ordinances, by-laws, rules and regulations not inconsistent with
26 or restrained by the Constitution and laws of this Commonwealth
27 as may be deemed expedient or necessary for the proper
28 management, care and control of the township and its finances
29 and the maintenance of peace, good government and welfare of the
30 township and its trade, commerce and manufactures.

1 LXIII. To appropriate moneys to assist any city, borough,
2 town, township or other political subdivision or municipality
3 airport authority to acquire, establish, operate and maintain
4 any and all air navigation facilities lying either within or
5 without the limits of the township.

6 LXIII. Non-Debt Revenue Bonds.--To issue non-debt revenue
7 bonds pursuant to provisions of the act of June 25, 1941
8 (P.L.159, No.87), known as the "Municipal Borrowing Law," to
9 provide sufficient moneys for and toward the acquisition,
10 construction, extension or improvement of municipal facilities,
11 including water systems or facilities, sewers, sewer systems and
12 sewage disposal systems or facilities, systems for the treatment
13 or disposal of garbage and refuse, aeronautical facilities
14 including but not limited to airports, terminals and hangars,
15 and park and recreational facilities, and parking facilities, to
16 be secured solely by the pledge of the whole or part of the
17 rent, toll or charge for the use or services of such facilities.

18 Included in the cost of the issue may be any costs and
19 expenses incident to constructing and financing the facilities
20 and selling and distributing the bonds.

21 LXIV. Appropriations for Urban Common Carrier Mass
22 Transportation.--To appropriate funds for urban common carrier
23 mass transportation purposes from current revenues and to make
24 annual contributions to county departments of transportation or
25 to urban common carrier mass transportation authorities to
26 assist the departments or the authorities to meet costs of
27 operation, maintenance, capital improvements, and debt service,
28 and to enter into long-term agreements providing for the payment
29 of the said contributions.

30 LXV. Appropriations for Mental Health Centers.--To

1 appropriate money annually towards any nonprofit association or
2 corporation which operates or conducts a mental health center.

3 LXVI. Community Development.--To undertake community
4 development programs, including but not limited to urban
5 renewal, public housing, model cities programs and neighborhood
6 development projects.

7 LXVII. To appropriate money annually towards any nonprofit
8 association or corporation which operates or conducts a library
9 within the township or to enter into contracts with or to make
10 grants to the proper authorities of near or adjacent cities,
11 boroughs, or townships for the furnishing of library service to
12 the township.

13 LXVIII. Appropriations for Observances and Celebrations.--To
14 appropriate annually an amount for the observance of holidays,
15 centennials or other anniversaries or for township celebrations
16 or civic projects or programs.

17 LXIX. Building Hospitals.--To appropriate not exceeding one
18 dollar (\$1) per township resident per year toward the
19 maintenance and/or support of any medical center or hospital
20 building and further appropriate from such funds toward the
21 purchase and/or erection of medical or hospital facilities.
22 Where the total cost of such purchase or erection exceeds one
23 hundred thousand dollars (\$100,000), it will necessitate
24 approval by the appropriate health planning agency. The number
25 of residents shall be determined from the latest decennial
26 Federal Census.

27 LXX. Appropriations to Tourist Promotion Agencies.--To
28 appropriate annually, such amount of money but not in excess of
29 ten cents (10¢) for each resident of the township, as determined
30 by the latest official census, which may be deemed necessary, to

1 any "tourist promotion agency," as defined in the act of April
2 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law,"
3 to assist such agencies in carrying out tourist promotional
4 activities.

5 LXXI. Sale of Real Property to Nonprofit Medical Service
6 Corporation.--To sell township owned real property to a
7 nonprofit medical service corporation for its exclusive use as a
8 site for a medical service facility.

9 LXXII. Sale of Real Property to Nonprofit Housing
10 Corporation.--To sell township-owned real property to a
11 nonprofit housing corporation for its exclusive use for housing
12 for the elderly.

13 LXXIII. Appropriations for Nonprofit Art Corporations.--To
14 appropriate moneys annually, not exceeding an amount equal to
15 one mill of the real estate tax to any nonprofit art corporation
16 for the conduct of its artistic and cultural activities. For the
17 purposes of this section nonprofit art corporation shall mean a
18 local arts council, commission or coordinating agency, or any
19 other nonprofit corporation engaged in the production or display
20 of works of art, including the visual, written or performing
21 arts. Artistic and cultural activities shall include the display
22 or production of theater, music, dance, painting, architecture,
23 sculpture, arts and crafts, photography, film, graphic arts and
24 design and creative writing.

25 LXXIV. Recreational Programs.--In addition to the other
26 purposes for which funds may be expended pursuant to the act of
27 December 10, 1974 (P.L.865, No.292), the funds may be expended
28 for recreational programs not directly sponsored by the
29 township.

30 LXXV. Appropriations for Neighborhood Crime Watch

1 Programs.--To appropriate annually, solely at the discretion of
2 the township supervisors, an amount toward a neighborhood crime
3 watch program. Notwithstanding any other provision of law, no
4 township or official thereof shall become subject to
5 contractual, tort or other liability as a result of having made
6 an appropriation pursuant to this clause.]

7 Section 1505. Boards of Supervisors to Exercise Powers.--The
8 corporate powers of townships shall be exercised by the board of
9 supervisors. If no specific authority is given for the payment
10 of costs incurred in the exercise of any power contained in this
11 act, the expenses may be paid from the general township fund.

12 Section 1506. General Powers.--The board of supervisors may
13 make and adopt any ordinances, bylaws, rules and regulations not
14 inconsistent with or restrained by the Constitution and laws of
15 this Commonwealth necessary for the proper management, care and
16 control of the township and its finances and the maintenance of
17 peace, good government, health and welfare of the township and
18 its citizens, trade, commerce and manufacturers.

19 Section 1507. Intergovernmental Cooperation.--The board of
20 supervisors may, by ordinance, make agreements with other
21 municipal corporations in performing governmental powers, duties
22 and functions and in carrying into effect provisions of the act
23 of July 12, 1972 (P.L.762, No.180), referred to as the
24 Intergovernmental Cooperation Law.

25 Section 1508. Capital Reserve Fund.--(a) The board of
26 supervisors may create and maintain a separate capital reserve
27 fund for any anticipated capital expenses, which fund shall be
28 designated for a specific purpose or purposes when created. The
29 moneys in the fund shall be used for no other purpose unless the
30 board of supervisors declares that conditions in the township

1 make other expenses more urgent than those for which the fund
2 was created.

3 (b) The board of supervisors may appropriate moneys from the
4 general township funds to be paid into the capital reserve fund
5 or place in the fund any moneys received from the sale, lease or
6 other disposition of any township property or from any other
7 source.

8 Section 1509. Indebtedness.--The board of supervisors may
9 incur indebtedness and issues notes, bonds or other evidence of
10 indebtedness under the act of July 12, 1972 (P.L.781, No.185),
11 known as the "Local Government Unit Debt Act," to provide
12 sufficient moneys for any expense of the township.

13 Section 1510. Display of Flags.--The board of supervisors
14 may display the flag of the United States or the Commonwealth,
15 the official POW/MIA flag or the flag of any county or municipal
16 corporation on any public building or grounds of the township.

17 Section 1511. Township Seals.--The board of supervisors may
18 adopt a seal which contains the name of the township and the
19 word "seal" and which shall be in the custody of the township
20 secretary or manager. The official acts of the board of
21 supervisors may be authenticated by use of the seal. The seal
22 has the same effect as the seal of a notary public.

23 Section 1512. Insurance.--(a) The board of supervisors
24 shall secure workers' compensation insurance for its employes,
25 including volunteer firemen and volunteer ambulance and rescue
26 personnel of companies duly recognized by the township by
27 resolution, killed or injured in the course of their appointed
28 functions or while performing any other duties expressly
29 authorized by the board of supervisors.

30 (b) The board of supervisors may contract with any insurance

1 company to insure property owned by the township.

2 (c) The board of supervisors may contract with any insurance
3 company to insure any public liability of the township,
4 including insurance on every township officer, official and
5 employe for liability arising from errors and omissions in the
6 performance of their duties in the course of their employment,
7 except that liability of elected or appointed officials or
8 officers for surcharge under law shall not be affected hereby.

9 (d) The board of supervisors may contract with any insurance
10 company, nonprofit hospitalization corporation or nonprofit
11 medical service corporation to insure its supervisors under
12 section 606, employees and their dependents under a policy or
13 policies of group insurance covering life, health,
14 hospitalization, medical service or accident insurance. This
15 provision is subject to the following qualifications:

16 (1) Elected officials, except supervisors under section 606,
17 and appointed officials who are not employes of the township are
18 not eligible for participation in any life, health,
19 hospitalization, medical service or accident insurance coverage
20 contract paid in whole or in part by the township.

21 (2) Any insurance coverage contract made by a township
22 between January 1, 1959, and March 31, 1985, that includes or
23 provides coverage for elected officials, except under section
24 606, or appointed township officials who are not employes of the
25 township are not void or unlawful solely because the inclusion
26 of those officials was subsequently found to be without lawful
27 authority. No penalty, assessment, surcharge, forfeiture or
28 disciplinary action of any kind may occur as a result of
29 participation by those officials. Insurance benefits payable to
30 insureds or their beneficiaries arising out of or on account of

deaths, injuries, accidents or illnesses occurring before March 30, 1988, remain the property of the insureds or their beneficiaries.

(e) The board of supervisors may contract with any insurance company for the pensioning of employees and may pay part or all of the premiums or charges for group pension or annuity plans. This provision is subject to the following qualifications:

(1) The benefit coverage may be provided to supervisor-employees under section 606.

(2) The board of supervisors may deduct from the employee's pay, salary or compensation the part of the premium or charge that is payable by the employee.

(3) Elected officials, except township supervisors under section 606, and appointed township officials who are not employees of the township are not eligible for participation in any pension or annuity contract paid in whole or in part by the township. No elected official, except under section 606, or appointed township official who is not an employee of the township included in a township-paid pension or annuity plan made by a township between January 1, 1959, and March 31, 1985, is subject to any penalty, assessment, surcharge, forfeiture or disciplinary action of any kind as a result of that participation. Any residual interest, value, refund of premium or benefits payable on or after March 31, 1985, arising out of the township-paid interest of the elected or appointed township officials is the exclusive property of the township.

(4) If an elected official, except supervisors under section 606, or an appointed official who is not an employee of the township personally contributed toward a township-sponsored pension plan or annuity, he shall receive a refund of his total

1 contributions thereto plus any interest accumulated thereon. In
2 lieu of a refund of contributions plus accumulated interest, a
3 township official who personally contributed toward a pension or
4 annuity plan in which he participated may elect to purchase that
5 portion of his pension or annuity funded by the township. A
6 qualified actuary, who shall report his determination under the
7 act of December 18, 1984 (P.L.1005, No.205), known as the
8 "Municipal Pension Plan Funding Standard and Recovery Act,"
9 shall determine the amount the official shall pay to the
10 township to purchase the township-funded portion of the annuity
11 or pension.

12 Section 1513. Widening and Deepening Watercourses.--After
13 permits have been secured from the Department of Environmental
14 Resources and the Pennsylvania Fish and Boat Commission, the
15 board of supervisors or its agents or employees may widen and
16 deepen watercourses running through the township and erect
17 dikes, retaining walls and embankments along the watercourses as
18 are necessary to prevent water from overflowing the banks. For
19 these purposes, townships may enter and condemn property as may
20 be necessary. Townships may enter land lying near the
21 watercourses and secure materials as may be necessary in
22 connection with the work. Damages for property taken, injured or
23 destroyed as the result of the work shall be determined under
24 this act.

25 Section 1514. Airports.--(a) The board of supervisors may
26 acquire by grant, lease, purchase or, where appropriate, eminent
27 domain any property located inside or outside the boundaries of
28 the township which, in the judgment of the board of supervisors,
29 may be necessary to establish and maintain municipal airport
30 facilities. Any township having acquired land for those purposes

1 may establish, equip, condition, operate and maintain the
2 property as a municipal airport, may lease all or part of the
3 property to any individual or corporation desiring to use the
4 property for aviation purposes and may contract in the form of a
5 lease of all or part of the property by the Federal Government
6 for aviation purposes upon nominal rental or without
7 consideration.

8 (b) The board of supervisors may acquire by lease or
9 purchase land for aviation purposes jointly with any county or
10 municipal corporation of this Commonwealth and operate and
11 maintain the municipal airport jointly with any county or
12 municipal corporation of this Commonwealth upon terms and
13 conditions as may be agreed upon between the proper authorities
14 of the county or municipal corporation.

15 Section 1515. Urban Common Carrier Mass Transportation.--The
16 board of supervisors may appropriate funds for urban common
17 carrier mass transportation purposes, make contributions to
18 county departments of transportation or urban common carrier
19 mass transportation authorities to assist the departments or the
20 authorities to meet costs of planning, operation, maintenance,
21 capital improvements and debt service and make long-term
22 agreements providing for the payment of contributions.

23 Section 1516. Land Use Regulations.--The board of
24 supervisors may plan for the development of the township through
25 zoning, subdivision and land development regulations under the
26 act of July 31, 1968 (P.L.805, No.247), known as the
27 "Pennsylvania Municipalities Planning Code."

28 Section 1517. Building and Housing Regulations.--The board
29 of supervisors may enact and enforce ordinances to govern and
30 regulate the construction, alteration, repair, occupation,

1 maintenance, sanitation, lighting, ventilation, water supply,
2 toilet facilities, drainage, use and inspection of all buildings
3 and housing constructed, erected, altered, designed or used for
4 any use or occupancy and the sanitation and inspection of land.
5 If any building and housing or structure is constructed,
6 reconstructed, altered, repaired, converted or maintained or any
7 building, housing or land is used in violation of any ordinance
8 enacted under this section, the board of supervisors, in
9 addition to penalties provided by the ordinances, may institute
10 appropriate actions or proceedings at law or in equity to
11 prevent and restrain the unlawful construction, reconstruction,
12 alteration, repair, conversion, maintenance or use, to restrain,
13 correct or abate the violation and to prevent the use or
14 occupancy of the building, housing or structure.

15 Section 1518. Building and Housing Inspectors.--The board of
16 supervisors may appoint one or more building and housing
17 inspectors to enforce the building and housing regulations of
18 the township and for the inspection of the construction,
19 alteration, repair and sanitation facilities of buildings and
20 housing in the township.

21 Section 1519. Building Lines.--The board of supervisors may,
22 by ordinance, establish and maintain uniform building lines upon
23 any or all public streets or highways of the township.

24 Section 1520. Numbering of Buildings.--The board of
25 supervisors may, by ordinance, require and regulate the
26 numbering of buildings.

27 Section 1521. Insect, Pest and Vector Programs.--The board
28 of supervisors may appropriate moneys toward insect, pest and
29 vector programs.

30 Section 1522. Sewage Treatment Facilities Regulations.--The

board of supervisors may, by ordinance, make regulations
respecting the installation of individual or community sewage
treatment facilities under the act of January 24, 1966 (1965
P.L.1535, No.537), known as the "Pennsylvania Sewage Facilities
Act."

Section 1523. Surplus Foods.--The board of supervisors may
appropriate moneys for the handling, storage and distribution of
surplus foods obtained through a Federal, State or local agency.

Section 1524. Community Nursing Services.--The board of
supervisors may appropriate moneys to nonprofit associations or
corporations which provide community nursing services.

Section 1525. Mental Health Centers.--The board of
supervisors may appropriate moneys annually toward any nonprofit
association or corporation which operates or conducts a mental
health center.

Section 1526. Hospitals.--The board of supervisors may
appropriate not exceeding one dollar (\$1) for each township
resident each year toward the erection, maintenance or support
of any medical center or hospital building facilities. If the
total cost of the purchase or erection exceeds one hundred
thousand dollars (\$100,000), approval by the appropriate health
planning agency is required. The number of residents is
determined from the latest official census.

Section 1527. Public Safety.--The board of supervisors may
adopt ordinances to secure the safety of persons or property
within the township and to define disturbing the peace within
the limits of the township.

Section 1528. Ambulances and Rescue and Life Saving
Services.--The board of supervisors may acquire, operate and
maintain motor vehicles for the purposes of conveying persons to

1 and from hospitals, and it may appropriate moneys toward
2 ambulance and rescue and life saving service and make contracts
3 relating thereto.

4 Section 1529. Nuisances.--The board of supervisors may, by
5 ordinance, prohibit nuisances, including, but not limited to,
6 the storage of abandoned or junked automobiles, on private and
7 public property and the carrying on of any offensive manufacture
8 or business.

9 Section 1530. Regulation of Dogs.--The board of supervisors
10 may, by ordinance, prohibit and regulate the running at large of
11 dogs.

12 Section 1531. Animal Shelters.--The board of supervisors may
13 appropriate moneys to foster, encourage or assist the operation
14 of humane societies, animal shelters or animal control centers
15 or programs.

16 Section 1532. Regulation of Business.--(a) The board of
17 supervisors may, by ordinance, license and regulate business
18 activities within the township to the extent the businesses
19 affect the health, welfare, morals and best interests of the
20 township and its citizens and for the protection of property
21 within the township. This power includes, but is not limited to,
22 the following:

23 (1) The licensing and regulation of all transient merchants
24 conducting business within the township, except farmers selling
25 their own produce, or to any sale of goods, wares or merchandise
26 donated by the owners thereof, the proceeds of which are to be
27 applied to any charitable or philanthropic purpose, or the
28 imposition or collection of any license fee upon insurance
29 companies or their agents or insurance brokers authorized to
30 transact business under the insurance laws of this Commonwealth.

1 (2) The licensing and regulation under Federal or State law
2 of cable television companies operating within the township.

3 (3) The inspection of restaurants operating within the
4 township.

5 (4) The licensing and regulation of junk dealers and the
6 establishment and maintenance of junk yards and scrap yards,
7 including, but not limited to, automobile junk yards or grave
8 yards.

9 (b) The board of supervisors may establish license fees for
10 regulated businesses, which shall bear a reasonable relationship
11 to the cost of administering the ordinance and regulating,
12 investigating, inspecting and supervising each business, and for
13 transient merchants a fee not to exceed twenty-five dollars
14 (\$25) each month or part of a month.

15 Section 1533. Dangerous Structures.--The board of
16 supervisors may, by ordinance, require the owner to remove any
17 nuisance or dangerous structure on public or private grounds
18 after notice to the owner to do so. In the owner's default, the
19 board of supervisors may remove the nuisance or structure and
20 collect the cost of the removal, together with the penalty
21 imposed by the ordinance, from the owner by summary proceedings
22 or under law for the collection of municipal liens.

23 Section 1534. Fireworks and Inflammable Articles.--The board
24 of supervisors may:

25 (1) By ordinance, regulate and prohibit the manufacture of
26 fireworks or inflammable or dangerous articles.

27 (2) Grant permits for supervised public displays of
28 fireworks and adopt rules and regulations governing the
29 displays.

30 (3) By ordinance, adopt rules and regulations not

1 inconsistent with State regulations relating to the storage of
2 inflammable articles.

3 (4) By ordinance, impose other safeguards concerning
4 inflammable articles as may be necessary.

5 Section 1535. Human Services.--The board of supervisors may,
6 under the provisions of the act of December 10, 1974 (P.L.865,
7 No.292), entitled "An act authorizing municipalities to expend
8 Federal general revenue sharing or general funds for social
9 service programs for the poor, the disabled and the aging, and
10 to jointly cooperate in the sponsorship, establishment,
11 administration, maintenance and operation of such programs," by
12 ordinance or resolution, each year appropriate moneys for social
13 service programs for the poor, the disabled and the aging.

14 Section 1536. Cemeteries.--(a) The board of supervisors
15 may, by ordinance, make rules and regulations regarding the
16 location, operation and maintenance of cemeteries in the
17 township.

18 (b) When any cemetery or burial ground is abandoned or is
19 being neglected, the board of supervisors may give notice to the
20 owner directing the removal of weeds, refuse and debris from the
21 cemetery within thirty days. If the removal is not completed
22 within thirty days after the notice, the board of supervisors
23 shall provide for the removal to be done by employes of the
24 township or persons hired for that purpose at the expense of the
25 township. The board of supervisors may not spend more than one
26 thousand dollars (\$1,000) annually on any one cemetery. All
27 costs of removal shall be assessed against the owner of the
28 cemetery, if known, and collected under section 3302(b).

29 (c) If the owner of a cemetery is unknown or inaccessible,
30 the board of supervisors may spend not more than one thousand

1 dollars (\$1,000) annually for the maintenance of that cemetery.
2 The cemetery shall remain open to the public under the
3 regulation and control of the board of supervisors.

4 Section 1537. Burial Plots of Service Persons.--The board of
5 supervisors may purchase plots of ground in any cemetery or
6 burial ground for the interment of deceased or former service
7 men and women who at the time of their death maintained legal
8 residence within the township.

9 Section 1538. Care of Memorials.--The board of supervisors
10 may maintain and repair any soldiers' monument or memorial
11 existing or erected within the township and may receive funds
12 from persons or organizations for those purposes.

13 Section 1539. Libraries.--The board of supervisors may
14 appropriate moneys toward any nonprofit association or
15 corporation which operates or conducts a library or contract
16 with or make grants to counties or municipal corporations for
17 the furnishing of library service to the township.

18 Section 1540. Observances and Celebrations.--The board of
19 supervisors may appropriate moneys for the observance of
20 holidays, centennials or other anniversaries or for township
21 celebrations or civic projects or programs.

22 Section 1541. Historical Property.--The board of supervisors
23 may acquire by purchase or by gift, repair, supervise, operate
24 and maintain ancient landmarks and other property of historical
25 or antiquarian interest and make appropriations to nonprofit
26 associations or corporations organized to acquire and maintain
27 historical properties.

28 Section 1542. Community Development.--The board of
29 supervisors may undertake community development programs,
30 including, but not limited to, urban renewal, public housing,

1 model cities programs and neighborhood development projects.

2 Section 1543. Industrial Promotion.--The board of
3 supervisors may make appropriations to an industrial development
4 agency.

5 Section 1544. Tourist Promotion Agencies.--The board of
6 supervisors may annually appropriate moneys not in excess of ten
7 cents (10¢) for each resident of the township, as determined by
8 the latest official census, to any tourist promotion agency, as
9 defined in the act of April 28, 1961 (P.L.111, No.50), known as
10 the "Tourist Promotion Law," to assist the agencies in carrying
11 out tourist promotional activities.

12 Section 1545. Nonprofit Art Corporations.--The board of
13 supervisors may appropriate moneys annually, not exceeding an
14 amount equal to one mill of the real estate tax, to any
15 nonprofit art corporation for the conduct of its artistic and
16 cultural activities. For the purposes of this section, the term
17 "nonprofit art corporation" means a local arts council,
18 commission or coordinating agency or any other nonprofit
19 corporation engaged in the production or display of works of
20 art, including the visual, written or performing arts and the
21 term "artistic and cultural activities" includes the display or
22 production of theater, music, dance, painting, architecture,
23 sculpture, arts and crafts, photography, film, graphic arts and
24 design and creative writing.

25 Section 1546. Neighborhood Crime Watch Programs.--The board
26 of supervisors may appropriate moneys toward a neighborhood
27 crime watch program. No township or township official is subject
28 to contractual, tort or other liability as a result of making an
29 appropriation under this section.

30 Section 1547. Public Rewards.--The board of supervisors may

offer rewards for the arrest and conviction of persons who
commit capital or other crimes within the township or for the
violation of any township ordinance.

Section 1548. Municipality Authorities.--The board of
supervisors may, by ordinance or resolution, individually or in
cooperation with other municipal corporations, form municipality
authorities as authorized by the act of May 2, 1945 (P.L.382,
No.164), known as the "Municipality Authorities Act of 1945,"
specify the project or projects to be undertaken by the
authorities, appoint members and establish their compensation.

[Section 703. Racetracks.--A. In addition to the powers and
duties imposed upon the township supervisors by this act or any
other provision of law, the township supervisors shall have the
power and duty to secure the health, safety and welfare of
persons and property by adopting an ordinance prohibiting the
conducting of live horse race meets by a licensed corporation at
a racetrack located within the area of fifty air miles from the
center of an existing, currently licensed racetrack,
notwithstanding the provisions of the act of December 17, 1981
(P.L.435, No.135), known as the "Race Horse Industry Reform
Act," provided that a majority of electors of the township
approve a referendum pursuant to subsection B prohibiting the
conducting of such horse race meets within the township.

B. The township supervisors may or, upon the petition of a
number of electors of the township equal to at least twenty-five
per centum of the highest number of votes for a public office of
the township at the last preceding municipal election, shall
adopt a resolution directing the county board of elections to
place a referendum question on the ballot for the primary or
general election, with respect to the conducting of live horse

1 race meets by licensed corporations within the township. The
2 question shall be in the following form:

3 Shall live horse race meets conducted by licensed
4 corporations be prohibited within the area of fifty air
5 miles from the center of an existing, currently licensed
6 racetrack?

7 C. The definitions provided for in the "Race Horse Industry
8 Reform Act" shall apply to this section.]

9 Section 1549. Racetracks.--(a) In addition to the powers
10 and duties imposed upon the township supervisors by this act or
11 any other provision of law, the township supervisors shall have
12 the power and duty to secure the health, safety and welfare of
13 persons and property by adopting an ordinance prohibiting the
14 conducting of live horse race meets by a licensed corporation at
15 a racetrack located within the area of fifty air miles from the
16 center of an existing, currently licensed racetrack,
17 notwithstanding the provisions of the act of December 17, 1981
18 (P.L.435, No.135), known as the "Race Horse Industry Reform
19 Act," provided that a majority of electors of the township
20 approve a referendum pursuant to subsection (b) prohibiting the
21 conducting of such horse race meets within the township.

22 (b) The township supervisors may, or upon the petition of a
23 number of electors of the township equal to at least twenty-five
24 percent of the highest number of votes for a public office of
25 the township at the last preceding municipal election shall,
26 adopt a resolution directing the county board of elections to
27 place a referendum question on the ballot for the primary or
28 general election, with respect to the conducting of live horse
29 race meets by licensed corporations within the township. The
30 question shall be in the following form:

1 Shall live horse race meets conducted by licensed
2 corporations be prohibited within the area of fifty air
3 miles from the center of an existing, currently licensed
4 racetrack?

5 (c) The definitions provided for in the "Race Horse Industry
6 Reform Act" shall apply to this section.

7 ARTICLE XVI

8 ORDINANCES

9 Section 1601. Ordinances.--(a) The board of supervisors may
10 adopt ordinances in which general or specific powers of the
11 township may be exercised and, by the enactment of subsequent
12 ordinances, the board of supervisors may amend, repeal or revise
13 existing ordinances. All proposed ordinances, whether original,
14 amended, repealed, revised, consolidated or codified, shall be
15 published not more than sixty days nor less than seven days
16 before passage at least once in one newspaper circulating
17 generally in the township. Public notices shall include either
18 the full text or a brief summary of the proposed ordinance which
19 lists the provisions in reasonable detail and a reference to a
20 place within the township where copies of the proposed ordinance
21 may be examined. If the full text is not included, a copy shall
22 be supplied to the publishing newspaper when the notice is
23 published, and an attested copy shall be filed within thirty
24 days after enactment in the county law library or other county
25 office designated by the county commissioners, who may impose a
26 fee no greater than that necessary to cover the actual costs of
27 storing the ordinances. If substantial amendments are made in
28 the proposed ordinance, before voting upon enactment, the board
29 of supervisors shall, at least ten days before enactment,
30 readvertise in one newspaper of general circulation in the

1 township a brief summary setting forth all the provisions in
2 reasonable detail together with a summary of the amendments.
3 Ordinances shall be recorded in the ordinance book of the
4 township and are effective five days after adoption unless a
5 date later than five days after adoption is stated in the
6 ordinance.

7 (b) When maps, plans or drawings of any kind are adopted as
8 part of an ordinance, instead of publishing them as part of the
9 ordinance, the board of supervisors may refer in publishing the
10 ordinance to the place where the maps, plans or drawings are on
11 file and may be examined.

12 (c) The board of supervisors may prescribe fines and
13 penalties not exceeding one thousand dollars (\$1,000) for a
14 violation of a building, housing, property maintenance, health,
15 fire or public safety code or ordinance and for water, air and
16 noise pollution violations, and not exceeding six hundred
17 dollars (\$600) for a violation of any other township ordinance,
18 which fines and penalties may be collected by suit or summary
19 proceeding brought in the name of the township before any
20 district justice. Proceedings for the violation of township
21 ordinances and for the collection of fines and penalties imposed
22 thereby may be commenced by warrant or by summons. No warrant
23 shall be issued except upon complaint on oath or affirmation
24 specifying the ordinance for the violation of which the warrant
25 is issued. All fines and penalties collected for the violation
26 of township ordinances shall be paid over to the township
27 treasury. Upon judgment against any person by summary conviction
28 or by proceedings by summons, in addition to being required to
29 pay the fines and penalties and costs, the defendant may be
30 sentenced to imprisonment for not more than ninety days or to

1 public service or other adjudication alternative programs under
2 42 Pa.C.S. § 1520 (relating to adjudication alternative
3 program).

4 (d) The board of supervisors may prepare or have prepared a
5 consolidation or codification of the general body of township
6 ordinances or the ordinances on a particular subject. The board
7 of supervisors may adopt the consolidation or codification as an
8 ordinance of the township, except the required advertised notice
9 of the proposed adoption of the consolidation or codification
10 shall include a listing of its table of contents. The procedure
11 for the consolidation or codification of township ordinances as
12 a single ordinance may also be followed in enacting a complete
13 group or body of ordinances repealing or amending existing
14 ordinances as may be necessary in the course of preparing a
15 consolidation or codification of the township ordinances, except
16 that the advertisement giving notice of the proposed adoption
17 shall list, in lieu of a table of contents, the titles only of
18 each of the ordinances in the complete group or body of
19 ordinances.

20 (e) In the same manner as other ordinances, the board of
21 supervisors may adopt, by reference to a standard or nationally
22 recognized code in a township ordinance, all or any portion of
23 the code as an ordinance of the township. No portion of any code
24 which limits the work to be performed to any type of
25 construction contractor or labor or mechanic classification
26 shall be adopted. Copies of the proposed code or portion or
27 amendment shall be filed with the township secretary at least
28 ten days before the board of supervisors considers the proposed
29 ordinance and, upon enactment, kept with the ordinance book and
30 available for public use, inspection and examination.

1 (f) Any person aggrieved by the adoption of any ordinance
2 may make complaint as to the legality of the ordinance to the
3 court of common pleas.

4 ARTICLE XVII

5 PUBLIC BUILDINGS

6 Section 1701. Township Buildings.--The board of supervisors
7 may procure by purchase, gift, devise or the exercise of eminent
8 domain a lot or lots of ground located within the township and
9 erect or use buildings thereon for township purposes. No land or
10 property used for any cemetery, burying ground, public or
11 parochial school, educational or charitable institution,
12 seminary or place of public worship shall be taken or
13 appropriated under this section.

14 Section 1702. Use of Public Land Acquired for Other
15 Purposes.--When the board of supervisors desires to take any
16 public lands previously granted or dedicated to a use or purpose
17 for which they are no longer used, it shall pass an ordinance
18 declaring its intention and shall petition the court of common
19 pleas for leave to file the bond of the township to secure any
20 person or persons who may be entitled to compensation for the
21 taking. The court shall direct notice to be given by publication
22 in at least one newspaper circulating generally in the township.
23 The court may increase the amount of the bond, shall hear all
24 exceptions that are filed against the petition and the
25 sufficiency of the bond and may grant or deny the request of the
26 petition. Upon the granting of the petition and the approval of
27 the bond, the board of supervisors may enter lands for the
28 purposes of erecting public buildings. The bond, which shall be
29 in the name of the Commonwealth for the use of any person or
30 persons who are entitled to damages by reason of the taking of

1 the lands, shall remain on file for their use and benefit.

2 Section 1703. How Damages Are Assessed.--The compensation
3 and damages arising from taking, using and appropriating private
4 or public property for township purposes shall be ascertained,
5 determined, awarded and paid under this act for eminent domain
6 proceedings.

7 Section 1704. Garages and Warehouses.--The board of
8 supervisors may purchase or lease land inside or outside the
9 limits of the township and erect garages, warehouses or other
10 buildings as may be necessary for handling and storing
11 equipment, materials and supplies.

12 ARTICLE XVIII

13 FIRE PREVENTION AND PROTECTION

14 Section 1801. Authority of Board of Supervisors.--The board
15 of supervisors may provide for fire protection within the
16 township.

17 Section 1802. Fire Hydrants and Water Supply.--(a) The
18 board of supervisors may place, replace, operate, maintain and
19 repair or contract with water companies or municipal authorities
20 for the placing, replacing, operating, maintaining and repairing
21 of fire hydrants to water mains within the township or provide
22 for or acquire a water supply system equipped to supply
23 sufficient water for the protection of property from fire. The
24 moneys necessary for providing or acquiring these fire
25 protection services may be obtained by one of the following
26 methods:

27 (1) The board of supervisors may annually assess the cost of
28 fire protection by an equal millage assessment upon all
29 property, whether or not exempt from taxation by existing law,
30 within seven hundred and eighty feet of any fire hydrant based

1 upon the assessment of property for county tax purposes.

2 (2) The board of supervisors may annually assess the cost of
3 fire protection by an equal assessment on all property, whether
4 or not exempt from taxation under existing law, abutting upon
5 highways, streets, roads and alleys within seven hundred and
6 eighty feet of any fire hydrant in proportion to the number of
7 feet the property abuts any water main or within seven hundred
8 and eighty feet of any fire hydrant on the water main. The board
9 of supervisors may provide for an equitable reduction from the
10 frontage of lots at intersections or where, due to the irregular
11 shape of lots, an assessment of the full frontage would be
12 inequitable.

13 (3) The board of supervisors may pay the cost for fire
14 protection out of the general township fund. If the board of
15 supervisors elects to pay the cost of fire protection services
16 out of the general fund, any special fire protection districts
17 and annual assessments shall be abolished. All moneys in the
18 separate accounts for the special fire protection districts
19 shall be paid into the general fund.

20 (b) When assessments are made under this section, no
21 assessment shall be made against any farmland, but vacant lots
22 between built-up sections, either tilled or not tilled, are not
23 farmland.

24 (c) All assessments for fire protection shall be collected
25 by the tax collector under section 3301(a).

26 (d) The assessment may be billed on the annual real estate
27 tax bill for township purposes if authorized by the board of
28 supervisors.

29 Section 1803. Fire Companies and Facilities.--(a) The board
30 of supervisors may appropriate moneys for the use of the

township or to fire companies located in the township for the operation and maintenance of fire companies, for the purchase and maintenance of fire apparatus and for the construction, repair and maintenance of fire company houses in order to secure fire protection for the inhabitants of the township. The fire companies shall submit to the board of supervisors an annual report of the use of the appropriated moneys for each completed year of the township before any further payments may be made to the fire companies for the current year.

(b) The board of supervisors may, by ordinance, make rules and regulations for the government of fire companies which are located within the township and their officers.

(c) The board of supervisors may contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the township.

(d) No volunteer fire company not in existence in the township before the effective date of this act may organize or operate unless the establishment or organization is approved by resolution of the board of supervisors.

Section 1804. Ponds, Dams or Impoundments for Fire Protection.--The board of supervisors may construct or contribute moneys for, or participate in the construction of, ponds, dams or other impoundments to provide water for fire protection for the township.

Section 1805. Fire Prevention Code.--The board of supervisors may adopt any standard fire prevention code published and printed in book form as provided under this act for adopting standard codes.

Section 1806. Prohibition of Fire-Producing Devices in Certain Retail Stores.--The board of supervisors may, by

1 ordinance, prohibit the smoking or carrying of lighted
2 cigarettes, cigars, pipes or matches and the use of matches or
3 fire-producing devices in retail stores arranged to accommodate
4 one hundred persons or more or which employ ten or more
5 employees. Any ordinance passed under this section may not
6 prohibit smoking in any restaurant room, rest room, beauty
7 parlor, executive office or any room designated for smoking in
8 those stores.