

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 702 Session of
1995

INTRODUCED BY D. W. SNYDER, LESCOVITZ, MERRY, PISTELLA AND
BATTISTO, FEBRUARY 13, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 13, 1995

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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24 Section 3701. Repeals.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. The title and act of May 1, 1933 (P.L.103,
28 No.69), known as The Second Class Township Code, reenacted and
29 amended July 10, 1947 (P.L.1481, No.567) and amended or repealed
30 in part May 20, 1949 (P.L.1562, No.474), May 24, 1951 (P.L.370,

1 No.85), May 29, 1951 (P.L.435, No.102), July 19, 1951 (P.L.1097,
2 No.243), January 14, 1952 (1951 P.L.1989, No.555), July 2, 1953
3 (P.L.328, No.72), July 2, 1953 (P.L.354, No.83), August 21, 1953
4 (P.L.1333, No.376), June 28, 1955 (P.L.214, No.67), May 29, 1956
5 (1955 P.L.1804, No.600), May 31, 1956 (1955 P.L.1898, No.627),
6 June 1, 1956 (1955 P.L.2021, No.677), April 9, 1957 (P.L.54,
7 No.29), May 20, 1957 (P.L.174, No.85), May 20, 1957 (P.L.179,
8 No.87), June 16, 1959 (P.L.466, No.95), June 30, 1959 (P.L.495,
9 No.120), July 9, 1959 (P.L.508, No.134), July 9, 1959 (P.L.510,
10 No.136), July 21, 1959 (P.L.559, No.173), July 30, 1959
11 (P.L.585, No.193), August 11, 1959 (P.L.664, No.216), August 25,
12 1959 (P.L.763, No.269), August 28, 1959 (P.L.788, No.287),
13 September 8, 1959 (P.L.809, No.305), April 28, 1961 (P.L.153,
14 No.75), May 9, 1961 (P.L.181, No.89), May 9, 1961 (P.L.194,
15 No.97), July 13, 1961 (P.L.596, No.294), July 13, 1961 (P.L.600,
16 No.299), May 15, 1963 (P.L.39, No.35), June 21, 1963 (P.L.153,
17 No.98), July 26, 1963 (P.L.323, No.176), July 31, 1963 (P.L.381,
18 No.203), August 2, 1963 (P.L.491, No.255), August 6, 1963
19 (P.L.535, No.285), August 24, 1963 (P.L.1197, No.503), May 3,
20 1965 (P.L.35, No.29), May 5, 1965 (P.L.42, No.36), May 7, 1965
21 (P.L.51, No.39), May 12, 1965 (P.L.57, No.43), June 8, 1965
22 (P.L.99, No.68), June 8, 1965 (P.L.121, No.83), September 1,
23 1965 (P.L.455, No.232), September 2, 1965 (P.L.477, No.241),
24 November 10, 1965 (P.L.709, No.339), February 2, 1966 (1965
25 P.L.1887, No.601), March 21, 1967 (P.L.17, No.6), June 1, 1967
26 (P.L.29, No.19), June 16, 1967 (P.L.108, No.25), October 9, 1967
27 (P.L.416, No.184), October 19, 1967 (P.L.455, No.212), November
28 24, 1967 (P.L.620, No.282), December 14, 1967 (P.L.816, No.350),
29 December 14, 1967 (P.L.833, No.358), December 20, 1967 (P.L.869,
30 No.385), January 18, 1968 (1967 P.L.958, No.426), March 21, 1968

1 (P.L.66, No.22), April 3, 1968 (P.L.78, No.33), June 24, 1968
2 (P.L.240, No.112), July 31, 1968 (P.L.805, No.247), June 30,
3 1969 (P.L.110, No.42), July 1, 1969 (P.L.117, No.48), April 22,
4 1970 (P.L.303, No.97), July 22, 1970 (P.L.533, No.179), July 22,
5 1970 (P.L.553, No.190), November 25, 1970 (P.L.734, No.237),
6 June 3, 1971 (P.L.118, No.6), June 27, 1973 (P.L.74, No.33),
7 July 27, 1973 (P.L.242, No.67), October 12, 1973 (P.L.291,
8 No.86), January 23, 1974 (P.L.12, No.5), March 1, 1974 (P.L.88,
9 No.23), March 13, 1974 (P.L.192, No.36), April 11, 1974
10 (P.L.248, No.60), June 27, 1974 (P.L.411, No.144), June 27, 1974
11 (P.L.420, No.148), December 13, 1974 (P.L.960, No.315), July 16,
12 1975 (P.L.69, No.40), July 30, 1975 (P.L.134, No.67), July 30,
13 1975 (P.L.137, No.69), October 2, 1975 (P.L.344, No.98),
14 December 19, 1975 (P.L.562, No.159), May 21, 1976 (P.L.146,
15 No.70), June 11, 1976 (P.L.159, No.78), July 9, 1976 (P.L.851,
16 No.149), December 1, 1977 (P.L.246, No.81), April 28, 1978
17 (P.L.202, No.53), September 28, 1978 (P.L.808, No.158), October
18 4, 1978 (P.L.948, No.187), October 4, 1978 (P.L.1026, No.228),
19 October 5, 1979 (P.L.199, No.67), November 1, 1979 (P.L.450,
20 No.87), May 9, 1980 (P.L.118, No.45), July 10, 1980 (P.L.475,
21 No.102), October 5, 1980 (P.L.780, No.143), December 19, 1980
22 (P.L.1318, No.238), May 22, 1981 (P.L.79, No.26), October 1,
23 1981 (P.L.286, No.97), October 16, 1981 (P.L.291, No.100),
24 November 20, 1981 (P.L.337, No.122), March 3, 1982 (P.L.124,
25 No.40), April 8, 1982 (P.L.256, No.77), November 26, 1982
26 (P.L.765, No.218), December 13, 1982 (P.L.1147, No.262), May 1,
27 1984 (P.L.222, No.46), October 31, 1985 (P.L.294, No.68), July
28 3, 1986 (P.L.385, No.82), December 11, 1986 (P.L.1500, No.159),
29 December 17, 1986 (P.L.1687, No.199), July 13, 1987 (P.L.330,
30 No.60), January 28, 1988 (P.L.19, No.9), March 2, 1988 (P.L.105,

1 No.20), March 25, 1988 (P.L.261, No.30), March 30, 1988
2 (P.L.312, No.41), June 15, 1988 (P.L.453, No.75), December 14,
3 1989 (P.L.629, No.74), July 10, 1990 (P.L.386, No.91), November
4 29, 1990 (P.L.606, No.153), November 29, 1990 (P.L.610, No.155),
5 July 11, 1991 (P.L.83, No.17), December 20, 1991 (P.L.408,
6 No.49), December 16, 1992 (P.L.1213, No.157) and October 13,
7 1994 (P.L.596, No.90), are reenacted and amended to read:

8 AN ACT
9 Concerning townships of the second class; and amending,
10 revising, consolidating[,] and changing the law relating
11 thereto.

12 ARTICLE I

13 PRELIMINARY PROVISIONS

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

21 Section 101. Short Title; Effective Date.--This act shall be
22 known and may be cited as "The Second Class Township Code."

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

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

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

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

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

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

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

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

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

"Township," a township of the second class.

[Section 103. Excluded Provisions.--This act does not include any provisions, and shall not be construed to repeal any acts, relating to--

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

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

(c) Election officers and conduct of elections;

(d) Public schools and school districts;

(e) Constables;

(f) Justices of the peace;

(g) State roads, and private roads;

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

(i) Free non-sectarian libraries.]

Section 103. Excluded Provisions.--(a) This act does not repeal any acts relating to:

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

(2) The method of incurring or increasing indebtedness.

(3) Election officers and conduct of elections.

(4) Public schools and school districts.

(5) Constables.

(6) District justices.

(7) State highways and private roads.

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

(9) Free nonsectarian libraries.

(10) Intergovernmental cooperation.

(11) Planning and land use.

(12) Public meetings.

(13) Inspection of records.

(14) Ethics of elected officers and employees.

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

(b) It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of townships except as to the several matters enumerated in

1 subsection (a).

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

20 Section 104. Construction of Act Generally.--The provisions
21 of this act, insofar as they are the same as those of existing
22 laws, are intended as a continuation of those laws and not as
23 new enactments. The repeal by this act of any State law or part
24 thereof does not revive any act or part thereof previously
25 repealed or superseded. The provisions of this act do not affect
26 any act done, liability incurred or right accrued or vested, or
27 affect any suit or prosecution, pending or to be instituted, to
28 enforce any right or penalty or punish any offense under the
29 authority of any repealed laws.

30 [Section 105. Constitutional Construction.--The provisions

1 of this act shall be severable, and if any of the provisions
2 shall be held to be unconstitutional, such decision shall not
3 affect the validity of any of the remaining provisions of this
4 act. It is hereby declared as the legislative intent that this
5 act would have been adopted had such unconstitutional provision
6 not been included therein.]

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

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

17 Section 106. Construction of References.--When, in this act,
18 reference is made to any act by title, it includes any
19 codification in which the provisions of the act referred to are
20 substantially re-enacted.

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

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

27 [Section 108. Saving Clauses Where Class of Township
28 Changed.--Whenever any township of the second class is
29 designated a township of the first class, or whenever any
30 township of the first class is re-established as a township of

1 the second class, all liabilities incurred, rights accrued or
2 vested, obligations issued or contracted, and all suits and
3 prosecutions pending or to be instituted to enforce any right or
4 penalty accrued or punish any offense committed prior to such
5 change of class, and all resolutions, rules and regulations,
6 shall continue with the same force and effect as if no such
7 change had been made.]

8 Section 108. Saving Clauses When Class of Township

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

19 [Section 109. Exception as to Taxation.--This act does not
20 provide for the assessment and valuation of property and persons
21 for the purposes of taxation and the collection of township
22 taxes.

23 Section 110. Legal Advertising.--Whenever, under the
24 provisions of this act, notice is required to be published in
25 one newspaper, such publication shall be made in a newspaper of
26 general circulation, as defined by the Newspaper Advertising
27 Act, approved May sixteenth, one thousand nine hundred and
28 twenty-nine (Pamphlet Laws one thousand seven hundred and
29 eighty-four), printed in the township, if there is such a
30 newspaper, and, if not, then in a newspaper circulating

1 generally in such township. If such notice is required to be
2 published in more than one newspaper, it shall be published in
3 at least one newspaper of general circulation, defined as
4 aforesaid, printed, if there be such a newspaper, or circulating
5 generally, as above provided, in the township. When such notice
6 relates to any proceeding or matter in any court, or the holding
7 of an election for the increase of indebtedness, or the issue
8 and sale of bonds to be paid by taxation, such notice shall,
9 also, in counties of the second, third, fourth and fifth
10 classes, be published in the legal newspaper, if any, designated
11 by the rules of court of the proper county for the publication
12 of legal notices and advertisements, unless such publication be
13 dispensed with by special order of court: Provided, however,
14 That auditors' statements, summaries of auditors' statements, or
15 advertisements inviting proposals for public contracts and for
16 bids for materials and supplies, shall be published only in
17 newspapers of general circulation, defined as aforesaid.]

18 Section 109. Legal Advertising.--When notice is required to
19 be published by a township in one or more newspapers, unless
20 otherwise specified, publication shall be made in the legal
21 notice section in a newspaper of general circulation in the
22 township, as defined by 45 Pa.C.S. (relating to legal notices).
23 When the notice relates to any proceeding or matter in any
24 court, or the holding of an election for the increase of
25 indebtedness, or the issue and sale of bonds to be paid by
26 taxation, the notice shall also, with respect to townships
27 located in counties of the second, third, fourth and fifth
28 classes, be published in the legal newspaper of the county, if
29 any, so designated by the rules of court. Auditors' statements,
30 summaries of auditors' statements, notices of public meetings

1 and hearings, notices of budget proposals, ordinances, lists of
2 delinquent taxpayers and advertisements inviting proposals for
3 public contracts and for bids for materials and supplies shall
4 be published only in newspapers of general circulation.

5 ARTICLE II

6 CLASSIFICATION, CREATION, [CONSOLIDATION AND]

7 RE-ESTABLISHMENT AND CHANGE OF NAME

8 OF TOWNSHIPS [OF THE SECOND CLASS

9 (a) Classification of Townships

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

22 Section 201. Classification of Townships.--The townships now
23 in existence and those to be created after this act takes effect
24 are divided into two classes, townships of the first class and
25 townships of the second class. Townships of the first class are
26 those having a population of at least three hundred inhabitants
27 to the square mile, which are now established as townships of
28 the first class, or which may be created townships of the first
29 class under laws relating to townships of the first class. All
30 townships that are not townships of the first class or home rule

1 townships are townships of the second class. A change from one
2 class to the other shall be made only under this act or the laws
3 relating to townships of the first class.

4 [(b) Consolidation of Townships]

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

6 Section 225. Because of Loss of Population.--Townships of
7 the first class no longer having a population of three hundred
8 to the square mile may be re-established as townships of the
9 second class, in the manner provided by laws governing townships
10 of the first class.

11 Section 226. By Vote of Registered Electors.--A township of
12 the first class may, irrespective of population, be re-
13 established a township of the second class in the manner
14 hereinafter provided.

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

23 At the primary, general or municipal election occurring at
24 least ninety days after the passage of such resolution, the
25 question, whether such township of the first class shall be re-
26 established a township of the second class, shall be submitted
27 to the voters of the township; and the county board of elections
28 shall cause to be printed, on separate ballots, or in case
29 voting is by machine on ballot labels, to be used in such
30 township at such election, a proper question framed in

1 accordance with the election laws of the Commonwealth.

2 The election officers shall compute the votes cast at the
3 election and make return thereof to the county board of
4 elections, wherein such township is situate, which shall compute
5 the same and certify the result thereof to the county
6 commissioners and the board of township commissioners of such
7 township and to the clerk of the court of quarter sessions. If a
8 majority of the votes cast at any such election shall be in
9 favor of the re-establishment of such township as a township of
10 the second class, the government of the township of the second
11 class shall be organized and become effective on the first
12 Monday of January next succeeding such election, at which time
13 the terms of the officers of the township of the first class
14 shall cease and terminate, and the officers appointed by the
15 court for such township, as hereinafter provided, shall take
16 office. If a majority of the votes cast at any such election
17 shall be in favor of remaining a township of the first class, no
18 further proceedings shall be had for a period of two years after
19 which proceedings de novo may be had.]

20 Section 202. Re-establishment of Townships.--A township of
21 the first class may, irrespective of population, be re-
22 established a township of the second class in the following
23 manner:

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

1 electors of the township of the first class.

2 (2) At the next primary, general or municipal election
3 occurring at least ninety days after the passage of the
4 resolution, the question, whether the township of the first
5 class shall be re-established as a township of the second class,
6 shall be submitted to the voters of the township; and the county
7 board of elections shall place the question of re-establishment
8 as a township of the second class on the ballot under the
9 election laws of this Commonwealth.

10 (3) The election officers shall compute the votes cast at
11 the election and certify them to the county board of elections,
12 which shall compute them and certify the result to the county
13 commissioners and the board of commissioners of the township of
14 the first class and to the clerk of the court of common pleas.
15 If a majority of the votes cast at the election are in favor of
16 the re-establishment of the township of the first class as a
17 township of the second class, the government of the township of
18 the second class shall be organized and become effective on the
19 first Monday of January after the election, when the terms of
20 the officers of the township of the first class shall cease, and
21 the officers appointed by the court for the township under
22 section 205 shall take office. If a majority of the votes cast
23 at the election are in favor of remaining a township of the
24 first class, no further proceedings may be initiated for a
25 period of two years from the date of the election.

26 [(d) Creation of Townships of the Second Class by
27 Annulment of Borough Charters

28 Section 230. Because of Annulment of Charter of Borough.--
29 Townships of the second class may be created by the annulment of
30 a charter of a borough in the manner provided by laws governing

1 boroughs.]

2 Section 203. Creation of Townships by Annulment of Charter
3 of Borough.--Townships of the second class may be created by the
4 annulment of a charter of a borough under laws governing
5 boroughs.

6 Section 204. Classification of New Townships.--When a new
7 township is created either by consolidation of two or more
8 townships, or re-establishment of a township of the first class
9 as a township or by annulment of a charter of a borough, the new
10 township shall be classified as a township of the second class.

11 [(e) Officers for New Townships

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

1 take office on the first Monday of January next following their
2 election.]

3 Section 205. Appointment and Election of Officers of New
4 Townships.--When a new township results from the consolidation
5 of townships, or is created as a result of the annulment of a
6 charter of a borough, or when a township of the first class is
7 re-established as a township of the second class, the court of
8 common pleas shall appoint the elective officers for the new
9 township and determine the polling place or places in the new
10 township. The appointed officers shall hold their offices until
11 the first Monday of January after the next municipal election
12 which occurs at least ninety days after the appointments. At the
13 municipal election, an assessor in those counties where
14 assessors are elected and a tax collector shall be elected for
15 regular four-year terms, if the election occurs in the year when
16 those officers are elected for regular terms, and, if not, they
17 shall be elected for terms of two years each and their
18 successors shall be elected for four-year terms. At the first
19 municipal election, one supervisor and one auditor shall be
20 elected for terms of six years each, one supervisor and one
21 auditor for terms of four years each, and one supervisor and one
22 auditor for terms of two years each. All officers shall take
23 office on the first Monday of January after their election.

24 [(f) Certificates to be Furnished to State Departments

25 Section 240. Certificates of Clerk of Court; Fee; Penalty.--
26 When a township of the second class results from the
27 consolidation of two or more townships or is created or re-
28 established, the clerk of the court of quarter sessions of the
29 county, within thirty days, shall certify a copy of the record
30 hereof in said court to the Secretary of Community Affairs and

1 the Department of Highways of the Commonwealth. For such
2 services the clerk shall be allowed a fee of three dollars and
3 fifty cents, to be paid as part of the costs of the proceedings.

4 Any clerk who shall fail or neglect or refuse to furnish such
5 certifications, or either of them, as herein required, shall
6 upon conviction thereof, in a summary proceeding, be sentenced
7 to pay a fine of not more than fifty dollars, and in default of
8 the payment of such fine and costs, undergo imprisonment of not
9 more than ten days.]

10 Section 206. Certificates of Clerk of Court; Fee; Penalty.--

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

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

23 [ARTICLE IIA

24 CHANGE OF NAME OF TOWNSHIP OF SECOND CLASS

25 Section 201A. Petition of Electors.--Upon petition to the
26 court of quarter sessions of at least ten per centum of the
27 registered electors of any township of the second class setting
28 forth that the inhabitants of the township desire to change the
29 name of the township, the court shall order an election to be
30 held on the next day appointed for the holding of a general,

1 municipal or primary election occurring at least ninety days
2 after the presentation of the petition, at which election the
3 question whether the name of the township shall be changed shall
4 be submitted to the voters of the township.

5 Section 202A. Filing and Advertisement of Petition.--Upon
6 determination by the court that the petition for change of name
7 of the township is in proper form and properly executed, and the
8 entry of the court order thereon, the original petition shall be
9 filed with the clerk of the court and a copy of the petition and
10 order of the court shall be filed with the county board of
11 elections which shall frame the proper question to be submitted
12 to the electors at the election ordered by the court. Notice of
13 the election shall be given in at least one newspaper of general
14 circulation of the proper county once a week for four
15 consecutive weeks, which shall set forth the time of the
16 election and the purpose thereof. The publication of the notice
17 shall be made on behalf of the petitioners in such form as the
18 court shall approve.

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

28 Section 207. Change of Name of Township.--(a) Upon petition
29 to the court of common pleas of at least ten percent of the
30 electors of a township, or upon passage of a resolution by the

1 board of supervisors, seeking a change of the name of the
2 township, the court shall order a referendum on the question.

3 (b) If the court determines that the petition or resolution
4 for change of name of the township is in proper form and
5 properly executed, the original petition or resolution shall be
6 filed with the clerk of the court. A copy of the petition or
7 resolution and order of the court shall be filed with the county
8 board of elections, which shall frame the question to be
9 submitted to the electors at the next general or municipal
10 election which occurs at least sixty days after the court order.

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

19 ARTICLE III

20 TOWNSHIP LINES AND BOUNDARIES

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

29 Section 301. Stream Boundaries.--When any township is
30 bounded by the nearest margin of any navigable stream and the

1 opposite municipal corporation is also bounded by the nearest
2 margin of the same stream, the middle of the stream is the
3 boundary between the township and the opposite municipal
4 corporation. This section does not repeal any local or special
5 law.

6 [Section 302. Establishment of Boundaries.--The courts of
7 quarter sessions may, upon the presentation of a petition, (a)
8 alter the lines of a township and any adjoining township,
9 borough, or city so as to suit the convenience of the
10 inhabitants thereof; (b) cause the lines or boundaries of
11 townships to be ascertained and established; and (c) ascertain
12 and establish disputed lines and boundaries between two or more
13 townships or between townships and cities or boroughs. When any
14 such petition is presented, the court may require the
15 petitioners to file a bond in a sufficient sum to secure the
16 payment of all costs of the proceeding.]

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

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

21 (2) ascertain and establish disputed lines and boundaries
22 between two or more townships or between townships and any
23 municipal corporation.

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

27 [Section 303. Petition to Court; Commissioners Report.--Upon
28 application by petition, the court shall appoint three impartial
29 citizens as commissioners, one of whom shall be a registered
30 surveyor or engineer, to inquire into the prayer of the

1 petition. After having given notice to parties interested as
2 directed by the court, the commissioners shall hold a hearing
3 and view the lines or boundaries; and they, or any two of them,
4 shall make a plot or draft of the lines and boundaries proposed
5 to be altered or ascertained and established if the same cannot
6 be fully designated by natural lines or boundaries. The
7 commissioners, or any two of them, shall make report to the
8 court, together with their opinion of the same. Upon the filing
9 of any such report, the same shall be confirmed nisi, and the
10 court may, by its order, require such notice to be given by the
11 petitioners to the parties interested, as it deems proper.]

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

26 [Section 304. Exceptions and Procedure.--Exceptions to any
27 such report may be filed by any person or political subdivision
28 interested within thirty days after the filing of the report,
29 and the court may thereupon fix a day for the hearing of such
30 exceptions, of which such notice shall be given as the court may

1 direct. After hearing, the court shall have power to sustain
2 such exceptions or to dismiss them and confirm the report, or to
3 refer the report back to the same or new commissioners with like
4 authority to make another report, on which like legal
5 proceedings may be had. Where no exceptions are filed within
6 thirty days after the filing of the report, the court shall
7 confirm the same absolutely. When any report is confirmed
8 absolutely, the court shall enter a decree altering or
9 ascertaining and establishing the lines and boundaries as shown
10 in said report.]

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

24 [Section 305. Monuments.--Whenever any such township line or
25 boundary is altered or ascertained and established the court
26 shall cause the same to be appropriately marked with stone
27 monuments placed at intervals not exceeding fifteen hundred
28 feet.

29 Section 306. Compensation and Expenses of Commissioners,
30 Engineer, and Chaincarriers; Costs.--The compensation and

1 expenses of commissioners appointed to alter or ascertain and
2 establish township lines shall be in the amount approved by the
3 court. The court shall by its order provide how the costs and
4 expenses of any such proceeding, including the furnishing and
5 placing of monuments, shall be paid, and may assess them against
6 the petitioners, any township or municipalities interested, or
7 any of them.]

8 Section 305. Costs.--The compensation and expenses of
9 commissioners appointed to ascertain and establish township
10 lines shall be in the amount approved by the court. The court
11 shall ascertain how the costs of the proceeding, including the
12 furnishing and placing of markers, shall be paid and may assess
13 them against the petitioners, any affected township or municipal
14 corporations and school districts affected.

15 [Section 307. Adjustment of Indebtedness.--Whenever the
16 boundaries of any township have been altered or ascertained and
17 established, the court of quarter sessions may adjust the taxes,
18 debts and expenses for township, municipal, and school purposes
19 between the townships, municipalities, and school districts
20 affected.]

21 Section 306. Adjustment of Indebtedness.--When the
22 boundaries of any township are ascertained and established, the
23 court of common pleas may adjust the taxes, debts and expenses
24 for township, municipal and school purposes between the
25 townships, municipal corporations and school districts affected.

26 [Section 308. Adjustment for Costs or Values of
27 Improvements.--(a) Except as hereinafter provided, whenever the
28 boundaries of any townships have been altered and a portion
29 thereof has been annexed by a borough or city, the township
30 shall be paid by such borough or city the following costs or

1 value of improvements located within the portion of the township
2 so annexed: (1) the value of all roads improved by the township
3 within five years; (2) the cost of sewer systems constructed by
4 the township within fifteen years; (3) the value of public
5 buildings and improvements other than roads and sewers. All such
6 costs or values shall be paid within one year after the final
7 act of annexation. The provisions of this section shall not
8 apply to the cost of any road, sewer or facilities which have
9 been assessed against the real property within the annexed
10 territory.

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

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

27 (d) Whenever an amicable settlement cannot be made on the
28 amount to be paid as provided in subsection (a) of this section,
29 the court of quarter sessions upon application of the governing
30 body of the city, borough or township, shall determine the

1 amount to be paid.]

2 Section 307. Adjustment for Costs or Values of
3 Improvements.--(a) When the boundaries of any townships have
4 been ascertained and established, or when an annexation
5 procedure is consummated with the result that a portion of a
6 township is determined to be within the boundaries of another
7 municipal corporation, the township shall be paid by the
8 municipal corporation the following costs or value of
9 improvements located within the portion of the township
10 affected:

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

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

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

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

23 (c) If any present indebtedness of the township losing the
24 affected area exists by reason of any improvements located in
25 the affected area and the municipal corporation gaining the
26 affected area assumes a portion of the indebtedness, any payment
27 on account of the indebtedness shall be a credit to the
28 municipal corporation gaining the affected area on account of
29 the cost of the improvement.

30 (d) When an amicable settlement cannot be made on the amount

1 to be paid under this section, the court of common pleas, upon
2 application by any one of the municipal corporations involved,
3 shall determine the amount to be paid.

4 ARTICLE IV

5 ELECTION OF OFFICERS; VACANCIES IN OFFICE

6 [(a) General Provisions

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

11 Section 401. Township Officers to be Electors.--No person is
12 eligible for the office of supervisor, assessor, auditor or tax
13 collector in any township unless that person is an elector of
14 the township.

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

22 (B) Upon petition of at least five per centum of the
23 registered electors of the township or pursuant to a resolution
24 of the board of supervisors, and upon an approval by a majority
25 of those electors voting at the next municipal or general
26 election, there shall be elected two additional supervisors. The
27 referendum petition or resolution of the board of supervisors
28 certified by the township secretary shall be filed with the
29 county board of elections not later than the thirteenth Tuesday
30 prior to the next municipal or general election. The county

1 board of elections shall place the question before the electors
2 in the same manner as other questions are presented under the
3 provisions of the Pennsylvania Election Code.

4 The form of the question shall be as follows:

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

7 The county board of elections shall tabulate and publish the
8 results of the referendum within thirty days of the election.

9 The total number of supervisors shall not exceed five. In no
10 event shall the question of additional supervisors be voted on
11 more than once in any three-year period.

12 (C) At the first municipal election following the approval
13 at the prior general 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 four
16 years and one shall be elected for a term of six years, each to
17 serve from the first Monday of January next following his
18 election. At the first general election following the approval
19 at the prior municipal election by the voters of the question
20 providing for the election of two additional supervisors, one of
21 such additional supervisors shall be elected for a term of three
22 years and one shall be elected for a term of five years, each to
23 serve from the first Monday of January next following his
24 election. Thereafter, such additional supervisors shall be
25 elected for terms of six years each to serve from the first
26 Monday of January next following his election.]

27 Section 402. Officers to be Elected.--(a) Except as
28 provided in subsection (b), the electors of each township shall
29 elect three supervisors, one assessor in those counties in which
30 assessors are elected, three auditors and one tax collector. No

1 person shall at the same time hold more than one elective
2 township office.

3 (b) Upon petition of at least five percent of the electors
4 of the township or under a resolution of the board of
5 supervisors, and upon approval by a majority of those electors
6 voting at the next municipal or general election, there shall be
7 elected two additional supervisors. The referendum petition or
8 resolution of the board of supervisors certified by the township
9 secretary shall be filed with the county board of elections not
10 later than the thirteenth Tuesday before the next municipal or
11 general election. The county board of elections shall place the
12 question before the electors as provided under the act of June
13 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
14 Code." The form of the question shall be as follows:

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

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

22 (c) At the first municipal election following approval at a
23 general election of the question providing for the election of
24 two additional supervisors, one of the additional supervisors
25 shall be elected for a term of four years and one for a term of
26 six years, each to serve from the first Monday of January after
27 the election. At the first general election following approval
28 at a municipal election of the question providing for the
29 election of two additional supervisors, one of the additional
30 supervisors shall be elected for a term of three years and one

1 for a term of five years, each to serve from the first Monday of
2 January after the election. After that time, the additional
3 supervisors shall be elected for terms of six years each to
4 serve from the first Monday of January after the election.

5 (d) In townships in which the electorate has opted for a
6 five-member board, the township shall return to a three-member
7 board of supervisors upon petition of at least five percent of
8 the electors of the township, or under a resolution of the board
9 of supervisors, and upon approval by a majority of electors
10 voting at the next municipal or general election. The referendum
11 petition shall be filed with the county board of elections not
12 later than the thirteenth Tuesday before the next municipal or
13 general election. The county board of elections shall place the
14 question before the electors as provided under the "Pennsylvania
15 Election Code." The form of the question shall be as follows:

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

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

22 (e) At the first municipal election following approval of
23 the question providing for a return to a three-member board,
24 three supervisors shall be elected to serve from the first
25 Monday of January after the election, when the terms of the
26 officers of the five-member board of supervisors shall cease.
27 The three candidates receiving the highest number of votes for
28 the office of supervisor shall be elected. The candidate
29 receiving the highest number of votes shall serve for a term of
30 six years. The candidate receiving the second highest number of

1 votes shall serve for a term of four years. The candidate
2 receiving the third highest number of votes shall serve for a
3 term of two years. After that, supervisors shall be elected
4 under section 403.

5 [(b) Election of Officers

6 Section 410. Supervisors.--(a) Except as is otherwise
7 provided for the election of additional supervisors, at each
8 municipal election, the electors of each township shall elect
9 one supervisor to serve for a term of six years from the first
10 Monday of January next following his election.

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

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

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

28 (b) Except as otherwise provided in this act, no supervisor
29 shall at the same time hold any other elective or appointive
30 township office or position. Nothing in this subsection shall

prohibit a supervisor from being a member of a township planning commission created under the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code."

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

[Section 411. Auditors.--(a) At each municipal election, the electors of each township shall elect one auditor to serve for a term of six years from the first Monday of January next following his election. Auditors 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) No auditor shall at the same time hold any other elective or appointive township office in the township in which he is employed as an auditor, and no auditor shall at the same time hold any other elective or appointive school district office or employment in any school district of the second, third or fourth class if he audits any finances or any funds belonging to or controlled by the school district.]

Section 404. Auditors.--(a) Except when vacancies create shorter terms, at each municipal election, the electors of each township shall elect one auditor to serve for a term of six years from the first Monday of January after the election. Auditors 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) No auditor shall at the same time hold any other elective or appointive township office or position.

1 [Section 412. Assessor.--At the municipal election in the
2 year one thousand nine hundred and forty-nine, and at the
3 municipal election every four years thereafter, the electors of
4 each township shall elect one assessor to serve for a term of
5 four years from the first Monday of January next following his
6 election. Assessors shall reside in the township from which
7 elected and shall have resided in that township continuously for
8 at least one year immediately preceding their election.

9 Section 413. Assessors not Elected in Certain Counties.--The
10 provisions of the preceding section, relating to the election of
11 assessors, shall not authorize the election of assessors for
12 taxation purposes in counties where boards for the assessment
13 and revision of taxes are authorized by law to appoint
14 assessors.]

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

24 (b) This section does not authorize the election of
25 assessors for taxation purposes in counties where boards for the
26 assessment and revision of taxes are authorized by law to
27 appoint assessors.

28 [Section 414. Tax Collector.--(a) At the municipal election
29 in the year one thousand nine hundred and forty-nine, and at the
30 municipal election every four years thereafter, the electors of

1 each township shall elect one tax collector to serve for a term
2 of four years from the first Monday of January next succeeding
3 such election. Tax collectors shall reside in the township from
4 which elected and shall have resided in that township
5 continuously for at least one year immediately preceding their
6 election.

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

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

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

24 [(c) Vacancies in Office

25 Section 420. Vacancies in General.--If the electors of any
26 township shall fail to choose a supervisor, tax collector,
27 auditor or assessor, or if any person elected to such office
28 shall neglect or refuse to serve therein, or if a vacancy shall
29 occur in the office by death, resignation, removal from the
30 township, or otherwise, a majority of the remaining supervisors

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

25 Section 407. Vacancies in General.--If the electors of any
26 township fail to choose a supervisor, tax collector, auditor or
27 assessor, or if any person elected to any office fails to serve
28 in the office, or if a vacancy occurs in the office by death,
29 resignation, removal from the township or otherwise, the board
30 of supervisors may appoint a successor who is an elector of the

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

23 ARTICLE V

24 TOWNSHIP OFFICERS GENERALLY

25 [(a) General Provisions

26 Section 501. Oath of Office.--Every person elected or
27 appointed to any township office in any township shall, before
28 entering upon the duties of his office, take and subscribe an
29 oath or affirmation before some person having authority to
30 administer oaths, to support the Constitutions of the United

1 States and of this Commonwealth, and to perform the duties of
2 his office with fidelity. A copy of such oath or affirmation
3 shall, within ten days thereafter, be filed with the township
4 secretary.]

5 Section 501. Oath of Office.--Every person elected or
6 appointed to any township office shall, before assuming the
7 duties of the office, take and subscribe an oath or affirmation
8 before a notary public, district justice or judge to support the
9 Constitutions of the United States and of the Commonwealth and
10 to perform the duties of the office with fidelity. A copy of the
11 oath or affirmation shall be filed with the township secretary
12 before assuming the duties of the office.

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

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

23 [Section 503. Penalty for Failure to Perform Duties.--If any
24 township officer refuses or neglects to perform his duties, the
25 court of quarter sessions, upon complaint in writing by five
26 percentum of the registered electors of the township, may issue
27 a rule upon such officer to show cause why his office should not
28 be declared vacant and another appointed in his stead. Such rule
29 shall be made returnable not less than two weeks from its date
30 of issue. Upon hearing, and proof that the facts alleged in the

1 complaint are true, the court may declare the office vacant and
2 appoint another in his stead, to hold office during the term of
3 the officer deposed, or to make such other order as to the court
4 may seem just and proper.]

5 Section 503. Removal for Failure to Perform Duties.--If any
6 township officer fails to perform the duties of the office, the
7 court of common pleas, upon complaint in writing by ten percent
8 of the electors of the township, may issue a rule upon the
9 officer to show cause why the office should not be declared
10 vacant. The officer shall respond to the rule within thirty days
11 from its date of issue. Upon hearing, the court may declare the
12 office vacant and require the vacancy to be filled under section
13 407.

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

21 ARTICLE VI

22 TOWNSHIP SUPERVISORS

23 [(b) Township Supervisors, Township Superintendent,
24 and Roadmasters

25 Section 510. Supervision of Affairs.--The general
26 supervision of the affairs of the township shall be in the hands
27 of three registered electors of the township, who shall be
28 styled township supervisors, except that when upon referendum
29 the election of two additional supervisors is provided for, the
30 general supervision of the affairs of the township shall be in

1 the hands of five registered electors of the township, who shall
2 be styled township supervisors.]

3 Section 601. Supervisors and Government of Townships.--
4 Townships shall be governed and supervised by boards of
5 supervisors. Boards of supervisors shall consist of three
6 members or, if approved by the electors under section 402(b),
7 five members.

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

28 The meeting under this section may be considered as a regular
29 monthly meeting for the transaction of such business as comes
30 before it. The first order of business at this meeting shall be

1 organization of the board. Any action taken or business
2 transacted other than organization of the supervisors as a board
3 at any organization meeting held prior to the effective date of
4 this amending act, which is invalid for the reason that the
5 action was taken or business transacted at an organization
6 meeting, is hereby validated and confirmed.]

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

20 (b) The meeting under this section may be considered a
21 regular monthly meeting of the board of supervisors. The first
22 order of business at this meeting shall be organization of the
23 board of supervisors.

24 [Section 512. Monthly Meetings; Quorum, Rent and Expenses.--
25 The township supervisors shall meet for the transaction of
26 business at least once each month, at a time and place to be
27 fixed by the board. Two members of any board of supervisors
28 consisting of three members shall constitute a quorum and three
29 members of any board of supervisors consisting of five members
30 shall constitute a quorum. Except as otherwise provided in this

1 act, an affirmative vote of a majority of the entire board of
2 supervisors shall be necessary in order to transact any
3 business. Necessary expenses incurred in such meetings,
4 including office rent, stationery, light and fuel, shall be paid
5 out of the general township fund.]

6 Section 603. Monthly Meetings; Quorum.--The board of
7 supervisors shall meet for the transaction of business at least
8 once each month, at a time and place determined by the board of
9 supervisors. A quorum is two members of a three-member board of
10 supervisors or three members of a five-member board of
11 supervisors. An affirmative vote of a majority of the entire
12 board of supervisors at a public meeting is necessary in order
13 to transact any business.

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

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

1 accounts to their successors.

2 Section 513.1. Typewritten, Printed, Photostated and
3 Microfilmed Records, Valid Recording or Transcribing Records.--

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

25 Section 605. Minutes and Records.--(a) The board of
26 supervisors shall provide for the recording of minutes of its
27 proceedings and other books it may find necessary in the
28 performance of its duties. All books shall be open for the
29 inspection of any elector or taxpayer, or his, her or its
30 representative, or any representative of the Department of

Community Affairs and the Department of Transportation, at all reasonable times. The records shall be made available to the board of auditors during the annual audit. Unless the custodian of the records agrees otherwise, the records shall be audited or inspected at the place where they are normally maintained. Supervisors who leave office shall deliver all township records in their possession to their successors or to the township secretary.

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

(c) Original or certified copies of ordinances may also be stored in a locking or mechanical post binder book, capable of

1 being permanently sealed, without being fastened onto pages in
2 the binder.

3 [Section 514. Road Districts; Superintendents and
4 Roadmasters.--The board of township supervisors, immediately
5 after their organization, shall divide the township into one or
6 more road districts. They shall employ a superintendent for the
7 entire township or a roadmaster for each district. Every
8 superintendent and roadmaster, so employed, must be a person
9 physically able to work on and maintain the roads. Township
10 supervisors may require such superintendents or roadmasters to
11 give bond, with a surety company or other company authorized by
12 law to act as surety, for the faithful performance of their
13 duties. The superintendent or roadmasters shall be subject to
14 removal by the board of supervisors. The supervisors shall fix
15 the wages to be paid, either per hour, per day, per week, semi-
16 monthly or monthly, to the superintendent or roadmasters and
17 laborers for work on the roads and bridges, which wages shall
18 not exceed wages paid in the locality for similar services.

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

1 compensation shall be fixed as hereinafter provided.

2 Two or more townships may appoint the same person as
3 superintendent.

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

7	Township Population	Annual Maximum Compensation
8	Not more than 4,999	Fifteen hundred dollars
9	5,000 to 9,999	Two thousand dollars
10	10,000 to 14,999	Twenty-six hundred dollars
11	15,000 to 24,999	Thirty-three hundred dollars
12	25,000 to 34,999	Thirty-five hundred dollars
13	35,000 or more	Four thousand dollars

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

1 stock pile, as the auditors shall determine and approve; but no
2 supervisor shall receive compensation as a superintendent or
3 roadmaster for any time he spends attending a meeting of
4 supervisors.

5 (b) Any benefit provided to or for the benefit of a
6 supervisor employed by the township as a superintendent,
7 roadmaster, laborer, secretary, treasurer or secretary/treasurer
8 in the form of inclusion in a pension plan paid for in whole or
9 in part by the township shall be deemed to be compensation
10 within the meaning of this act to the extent such benefit is
11 paid for by the township and shall be fixed by the township
12 auditors; however:

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

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

30 (3) No change in the nature or rate of the contributions in

1 the case of a defined contribution plan and no change in the
2 benefit formula in the case of a defined benefit plan shall be
3 initiated by the board of supervisors with respect to a
4 supervisor-employee without auditor approval.

5 (4) A pension or annuity contract entered into by a township
6 between January 1, 1959, and March 31, 1985, that includes or
7 provides for benefits for supervisor-employees or retired
8 supervisor-employees at township expense shall not be void or
9 unlawful solely because such inclusion of supervisor-employees or
10 retired supervisor-employees was not previously approved by the
11 township auditors. No penalty, assessment, surcharge, forfeiture
12 or disciplinary action of any kind may occur as a result of such
13 participation by supervisor-employees.

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

25 (6) If a supervisor-employee personally contributed toward a
26 township-sponsored pension plan or annuity that is not approved
27 by the township auditors or not deemed approved hereunder, he
28 shall receive a refund of his total contributions thereto, plus
29 any interest accumulated thereon. In lieu of a refund of
30 contributions plus accumulated interest, a supervisor-employee

1 who personally contributed toward a pension or annuity plan in
2 which he participated may elect to purchase that portion of his
3 pension or annuity funded by the township. The appropriate
4 compensation to be paid to the township by the supervisor-
5 employe shall be determined by a qualified actuary who shall
6 report his determination in accordance with the act of December
7 18, 1984 (P.L.1005, No.205), known as the "Municipal Pension
8 Plan Funding Standard and Recovery Act."

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

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

25 (1) Supervisors and their dependents shall be eligible for
26 inclusion in group life, health, hospitalization, medical
27 service and accident insurance plans paid in whole or in part by
28 the township. No policy of group life insurance shall contain
29 any provision for the accrual or deferral of a cash surrender
30 value, loan value or any other nonforfeitable benefit, in

1 addition to or beyond the face amount of insurance, that shall
2 inure to the benefit of the supervisor, any beneficiary or any
3 other individual having an insurable interest in the life of a
4 supervisor. Such insurance, however, may contain a provision
5 that when the insurance, or any portion of it, on a person
6 covered under the policy ceases because of termination of
7 employment or the termination of the insured's term of office,
8 such person shall be entitled to have issued to him by the
9 insurer, without evidence of insurability, an individual policy
10 of insurance on any form customarily issued by the insurer at
11 the age and for the amount applied for if: (i) such amount is
12 not in excess of the amount of life insurance which ceases
13 because of such termination; and (ii) the application for the
14 individual policy is made and first premium is paid to the
15 insurer within thirty-one days after such termination.

16 Participation by supervisors shall not require auditor approval.
17 Such insurance shall be uniformly applicable to those covered
18 and shall not improperly discriminate in favor of supervisors.

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

1 the property of the insureds or their beneficiaries.

2 (3) All payments made by a township on any group life,
3 health, hospitalization, medical service or accident insurance
4 coverage contracts on behalf of non-employee supervisors between
5 January 1, 1959, and March 31, 1985, which would have been
6 proper but for the absence of auditor approval, are hereby
7 deemed ratified and approved. Any benefits payable to any such
8 non-employee supervisor or his beneficiaries on account of such
9 payments made by a township during the aforementioned period
10 shall continue.

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

23 Section 606. Compensation of Supervisors.--(a) Supervisors
24 may receive as compensation an amount established by ordinance
25 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>

1	<u>15,000 to 24,999</u>	<u>\$3,300</u>
2	<u>25,000 to 34,999</u>	<u>\$3,500</u>
3	<u>35,000 or more</u>	<u>\$4,000</u>

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

26 (b) Any benefit provided to or for the benefit of a
27 supervisor employed by the township in any employe capacity
28 under this act in the form of inclusion in a pension plan paid
29 for in whole or in part by the township is compensation within
30 the meaning of this act to the extent that benefit is paid for

1 by the township and is determined by the board of auditors;
2 however:

3 (1) Supervisors are eligible for inclusion in township
4 pension plans only if they are employed by the township in any
5 employe capacity under this act. In order to be eligible for
6 inclusion in the plans, supervisor-employees must meet the same
7 requirements as other employees of the township who are eligible
8 to participate in a pension plan. Pension plans shall not
9 improperly discriminate in favor of a supervisor-employee.

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

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

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

1 participation by supervisor-employees.

2 (5) All premium, contribution or similar payments made by a
3 township on pension or annuity contracts on behalf of
4 supervisor-employees between January 1, 1959, and March 31, 1985,
5 which would have been proper but for the absence of auditor
6 approval are hereby approved. Any benefits payable to any
7 supervisor-employee or his beneficiaries on account of any
8 premium, contribution or similar payments made by a township
9 during that period shall continue. Any premium, contribution or
10 similar payments made by a township after March 31, 1985,
11 requires auditor approval under this subsection.

12 (6) If a supervisor-employee personally contributed toward a
13 township-sponsored pension plan or annuity that is not approved
14 by the township auditors or not approved by this act, he shall
15 receive a refund of his total contributions thereto plus any
16 interest accumulated thereon. In lieu of a refund of
17 contributions plus accumulated interest, a supervisor-employee
18 who personally contributed toward a pension or annuity plan in
19 which he participated may elect to purchase that portion of his
20 pension or annuity funded by the township. A qualified actuary,
21 who shall report his determination under the act of December 18,
22 1984 (P.L.1005, No.205), known as the "Municipal Pension Plan
23 Funding Standard and Recovery Act," shall determine the amount
24 the supervisor-employee shall pay to purchase the township-funded
25 portion of the annuity or pension.

26 (7) Supervisors who are not employees of the township are not
27 eligible for participation in any pension or annuity contract
28 paid in whole or in part by the township. No supervisor who was
29 not an employee of the township but was included in a township-
30 paid pension or annuity plan made by a township between January

1 1, 1959, and March 31, 1985, is subject to any penalty,
2 assessment, surcharge, forfeiture or disciplinary action. Any
3 residual interest, value, refund of premium or benefits payable
4 on or after March 31, 1985, arising out of the township-paid
5 interest of a supervisor who was not an employee is the exclusive
6 property of the township.

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

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

29 (2) Any life, health, hospitalization, medical service or
30 accident insurance coverage contract made by a township between

1 January 1, 1959, and March 31, 1985, that includes or provides
2 coverage for supervisors not employed by the township is not
3 void or unlawful because inclusion of those supervisors was
4 subsequently found to be without lawful authority. No penalty,
5 assessment, surcharge, forfeiture or disciplinary action may
6 occur as a result of participation by those supervisors.
7 Insurance benefits paid or payable to insureds or their
8 beneficiaries arising out of or on account of deaths, injuries,
9 accidents or illnesses occurring before March 30, 1988, are the
10 property of the insureds or their beneficiaries.

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

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

30 (5) The township may deduct from any compensation payable to

1 a supervisor such part of any insurance premium or charge which
2 is payable by the supervisor within the terms of the particular
3 township's insurance plan.

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

8 (a) Have the general care and superintendence of the
9 improvement of the roads and bridges in the township, except as
10 otherwise specially provided.

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

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

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

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

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

30 (g) Cause loose stones lying in the beaten track of every

1 road to be removed. Stones so removed shall be conveyed to some
2 place from which they will not work back or be brought back into
3 the track by other implements used in repairing or maintaining
4 such highways.

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

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

24 The roadmasters or superintendents or supervisors, acting in
25 either capacity, shall--

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

29 (k) Inspect all roads and bridges at such times as the
30 township supervisors shall direct, except during the months of

1 April and October.

2 (l) Have power to relocate, widen, deepen, and straighten
3 the channels of streams, and rip, rap, and otherwise protect the
4 banks of streams in order to protect roads, prevent erosion, and
5 prevent floods in the township: Provided, That the consent of
6 the Water and Power Resources Board to any such project has
7 first been secured.

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

13 Section 607. Duties of Supervisors.--The board of
14 supervisors shall:

15 (1) Be charged with the general governance of the township
16 and the execution of legislative, executive and administrative
17 powers in order to ensure sound fiscal management and to secure
18 the health, safety and welfare of the citizens of the township.

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

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

28 (4) Authorize attendance at conferences, institutes, schools
29 and conventions. Any supervisor, elected or appointed officer or
30 township employe may, if directed by the board of supervisors,

1 attend any conference, institute, school or convention dealing
2 with the duties and functions of elected or appointed officers
3 or employees. The expenses for attending the meetings may be paid
4 by the township and are limited to the registration fee, mileage
5 for the use of a personal vehicle or reimbursement of actual
6 transportation expense going to and returning from the meeting
7 plus all other actual expenses that the board of supervisors
8 agrees to pay. Every attendee shall submit to the board of
9 supervisors an itemized account of expenses incurred at the
10 meeting. The board of supervisors may authorize employees to be
11 compensated at their regular employee rate during their
12 attendance at the meeting.

13 (5) Annually, on or before the first day of February,
14 furnish to the board of auditors information on the construction
15 or maintenance of roads, or other matters that may be required
16 by any department of the Commonwealth to be included in the
17 annual township report.

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

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

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

1 building and care of such contract roads.

2 Section 518. Annual Township Report; Duties of
3 Supervisors.--The board of supervisors annually, on or before
4 the first day of February in each year, shall furnish to the
5 township auditors such accurate information concerning the
6 construction, reconstruction, maintenance and repair of the
7 roads, the repair and purchase of equipment and machinery, and
8 road mileage, as may be required, in order to enable the
9 auditors to make the annual township report hereinafter
10 prescribed.

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

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

1 county commissioners.

2 Section 520. Interest in Contracts and Purchases; Penalty.--

3 Except as otherwise provided in section 802 of this act any
4 township supervisor, superintendent, or roadmaster who is
5 knowingly interested directly or indirectly, in any purchase
6 made or contract relating to roads and bridges, or for a
7 compensation furnishes any materials therefor is guilty of a
8 misdemeanor, and upon conviction thereof, shall be sentenced to
9 pay a fine not exceeding five hundred dollars or undergo
10 imprisonment not exceeding six months, or both, and shall
11 forfeit his office.

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

26 ARTICLE VII

27 TOWNSHIP TREASURER

28 [(c) Township Treasurer]

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

1 the board of supervisors.

2 [Section 530. Bond.--The treasurer appointed by the board of
3 township supervisors, if an individual, shall give bond, with a
4 surety company or other company authorized by law to act as
5 surety to be approved as to the amount thereof by and filed with
6 the auditors of the township, conditioned that the treasurer
7 shall well and truly account for and pay over all moneys
8 collected or received for the township, and all moneys paid by
9 the State to the township and received by him, only upon a
10 written order signed by two members of the board of supervisors;
11 for the delivery to his successor in office of all books,
12 papers, and documents; for the payment to such successor of any
13 balance of money belonging to the township that may remain in
14 his hands; and for the faithful performance of the duties of his
15 office.]

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

24 [Section 531. Compensation.--The township treasurer shall
25 receive, as compensation for his services, salary, wages or a
26 certain percentage on all moneys received and paid by him, which
27 compensation shall be determined by the supervisors of the
28 townships.

29 Except as otherwise provided in section 540 hereof, the
30 amount paid to the treasurer as treasurer and secretary, shall

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

4 Section 703. Treasurer's Compensation.--The board of
5 supervisors shall determine the compensation of the township
6 treasurer. When a supervisor is appointed as township treasurer,
7 the board of auditors shall determine the compensation.

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

19 Section 704. Treasurer's Duties.--The township treasurer
20 shall:

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

23 (2) Keep distinct and accurate accounts of all sums received
24 from taxes and other sources, which accounts shall be open to
25 the inspection of the board of supervisors and any citizen of
26 this Commonwealth.

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

30 (4) Annually state the accounts and make them available to

1 the board of auditors for settlement.

2 (5) Preserve the account books, papers, documents and other
3 records of the office and turn them over to the successor in
4 office.

5 Section 705. Assistant Treasurer.--The board of supervisors
6 may appoint an assistant treasurer who shall assist the township
7 treasurer or, in the absence or disability of the township
8 treasurer, perform the duties of the township treasurer. The
9 assistant treasurer may be appointed from the membership of the
10 board of supervisors. The assistant treasurer shall be bonded
11 for the same amount as the township treasurer when acting in the
12 capacity of township treasurer. The board of supervisors shall
13 determine the compensation of the assistant treasurer. When a
14 supervisor is appointed assistant treasurer, the board of
15 auditors shall determine the compensation.

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

26 Section 706. Use of Special Funds; Penalty.--When any moneys
27 are collected for any special purpose, no township treasurer or
28 board of supervisors may apply those moneys to any purpose other
29 than that for which they were collected. Every misapplication
30 shall be a misdemeanor of the third degree and, in addition to

1 the fine or penalty which may be imposed upon conviction, the
2 defendant shall be required to pay restitution in the amount of
3 moneys improperly spent.

4 [Section 534. Penalty for Failure to Perform Duties.--Any
5 township treasurer who fails or neglects or refuses to perform
6 any of the duties of his office, other than those for which
7 specific penalties are provided, upon conviction thereof in a
8 summary proceeding, shall be sentenced to pay a fine of not more
9 than one hundred dollars, and in default of the payment of such
10 fine and costs, shall be sentenced to imprisonment of not more
11 than thirty days, and shall be disqualified from holding the
12 office.]

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

23 [Section 535. Depositories of Township Funds.--The township
24 supervisors may, at their annual organization meeting, or as
25 soon thereafter as is practicable, designate, by resolution, a
26 depository or depositories for township funds, and fix and
27 approve the security to be furnished by any such depository:
28 Provided, That any such funds deposited with any banking
29 institution of this Commonwealth may be insured with the Federal
30 Deposit Insurance Corporation, or any other corporation

1 hereafter organized by the United States for the purpose of
2 insuring deposits, up to the amount to which such corporation
3 is, or may hereafter be, authorized to insure deposits, in any
4 one name, and where so insured the supervisors shall not require
5 such banking institution to furnish additional bond, insurance
6 or security to cover the amount of such deposits so insured.
7 Such designation shall be valid for a period of one year or
8 until such time as another depository or other depositories
9 shall be designated by similar action of the township
10 supervisors.

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

13 The township treasurer shall, upon the designation of such
14 depository or depositories, immediately transfer thereto the
15 township funds, and shall thereafter keep such deposits solely
16 in such depository or depositories in the name of the township.

17 No township treasurer, complying with the provisions of this
18 section, nor his surety or sureties, shall be chargeable with
19 losses of township funds caused by the failure or negligence of
20 such depository or depositories.]

21 Section 708. Depositories of Township Funds.--(a) The board
22 of supervisors shall designate, by resolution, a depository or
23 depositories for township funds. Any funds deposited with any
24 banking institution of this Commonwealth shall be insured with
25 the Federal Deposit Insurance Corporation, the National Credit
26 Union Share Insurance Fund, the Pennsylvania Deposit Insurance
27 Corporation or the Pennsylvania Savings Association Insurance
28 Corporation, or their successor agencies, to the extent that
29 accounts are so insured. The board of supervisors shall require
30 each banking institution to furnish additional bond, insurance

1 or security to cover the amount of any deposits in excess of the
2 insured limits. The designation is valid for a period of one
3 year or until another depository or other depositories are
4 designated by similar action of the board of supervisors.

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

7 (c) The township treasurer or assistant treasurer shall,
8 upon the designation of the depository or depositories by the
9 board of supervisors, immediately transfer thereto the township
10 funds and after that make deposits solely in the depository or
11 depositories in the name of the township.

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

16 ARTICLE VIII

17 TOWNSHIP SECRETARY

18 [(d) Township Secretary]

19 Section 801. Township Secretary.--The board of supervisors
20 shall appoint a township secretary to serve at the pleasure of
21 the board of supervisors.

22 [Section 540. Duties and Compensation.--The secretary in
23 each township shall be clerk to the board of supervisors. He
24 shall keep a record of the proceedings of said officers in a
25 minute book in which he shall also record all court orders
26 relative to the laying out, opening and vacating of roads. The
27 minute book, account book and other financial records shall be
28 carefully preserved by the secretary and shall be turned over to
29 his successor in office. Miscellaneous records and papers of the
30 township other than the minute book and account book may be

1 destroyed with the consent of the supervisors after the lapse of
2 six years from the date of such records.

3 The secretary shall prepare and write the annual tax
4 duplicate of the township, and shall receive such salary, wages
5 or other compensation therefor as shall be fixed by the township
6 supervisors. The amount paid to the secretary and treasurer as
7 salary, wages or other compensation for services, shall be
8 determined by the board of supervisors, except that where a
9 supervisor is serving as secretary and/or treasurer the auditors
10 shall fix the compensation.

11 The secretary shall inform all members of the board of
12 supervisors of all functions and meetings, including special
13 meetings of the board.]

14 Section 802. Secretary's Duties.--The township secretary is
15 a clerk to the board of supervisors. The township secretary
16 shall:

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

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

22 (3) With the consent of the board of supervisors and in
23 conformity with other laws governing the retention and
24 disposition of municipal records, have the authority to destroy
25 records and papers of the township other than the minute book
26 and account book after the lapse of six years from the date of
27 the records.

28 (4) Inform supervisors of all township meetings, including
29 special meetings of the board of supervisors.

30 Section 803. Secretary's Compensation.--The board of

supervisors shall determine the compensation of the township secretary. When a supervisor is appointed township secretary, the board of auditors shall determine the compensation.

[Section 543. Assistant Secretary.--Every board of township supervisors may, by resolution, appoint an assistant secretary who shall, in the absence or disability of the secretary, perform the duties and exercise the powers of the secretary. The assistant secretary may be appointed from the membership of the board of township supervisors but shall not be any other officer thereof, shall receive compensation for such services not exceeding the compensation of the secretary, and shall be bonded. The assistant secretary shall not be compensated for any period of time for which the secretary is compensated.]

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

ARTICLE IX

AUDITORS; ACCOUNTANTS

[(e) Township Auditors

Section 545. Meetings; Duties; Quorum; Surcharges; Compensation.--The auditors of townships shall meet annually, at the place of meeting of the supervisors, on the day following the day which is fixed by this act for organization of the township supervisors; and shall organize by the election of a

1 chairman and secretary, and shall audit, settle, and adjust the
2 accounts of the supervisors, superintendents, roadmasters,
3 treasurer, and tax collector of the township, and fix the
4 compensations for the current year authorized in section 515
5 hereof. Two auditors shall constitute a quorum. The auditors
6 shall also make an audit of the dockets, transcripts, and other
7 official records of the justices of the peace to determine the
8 amounts of fines and costs paid over or due the township, and
9 the dockets and records of the justices of the peace shall be
10 open to inspection by the auditors for such purpose. Unless
11 otherwise agreed to by the auditors and the officer being
12 audited, the audit shall be conducted at the place the records
13 of the officer are normally kept.

14 Upon the death or resignation of any of the above officers
15 the auditor, upon call of the chairman, shall meet and audit the
16 accounts of the former incumbent, and at that time fix the
17 compensation of his successor if authorized by this act to fix
18 the compensation for such office.

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

29 Each auditor shall receive thirty dollars per diem for each
30 day necessarily employed in the duties of his office, to be paid

1 out of the funds of the township. In no event shall any auditor
2 in a township having a population of ten thousand (10,000) or
3 less be entitled to receive more than six hundred dollars (\$600)
4 for any calendar year. In no event shall any auditor in a
5 township having a population in excess of ten thousand (10,000)
6 be entitled to receive more than twelve hundred dollars (\$1,200)
7 for any calendar year. A day shall consist of not less than five
8 hours in the aggregate.]

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

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

30 (b) Upon the death or resignation of any of the officials

1 designated in this section to be audited, the board of auditors,
2 upon call of the chairman, shall meet and audit the accounts of
3 the former incumbent and determine the compensation of the
4 successor if so authorized by this act.

5 Section 902. Auditor's Compensation.--(a) Each auditor
6 shall receive seven dollars (\$7) for each hour necessarily
7 employed in the duties of the office upon presentation to the
8 board of supervisors of an itemized listing of the dates, times,
9 places and hours worked to perform the audit. No auditor in a
10 township having a population of ten thousand or less is entitled
11 to receive more than seven hundred dollars (\$700) for completing
12 the annual audit, settlement and adjustment. No auditor in a
13 township having a population in excess of ten thousand is
14 entitled to receive more than fourteen hundred dollars (\$1,400)
15 for completing the annual audit, settlement and adjustment.

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

22 (c) Each auditor shall be reimbursed for travel costs
23 incurred in the performance of the auditing duties at the rate
24 established by the board of supervisors under the act of July
25 20, 1979 (P.L.156, No.51), referred to as the Uniform Mileage
26 Fee Law, and for other expenses, including postage, notary fees
27 or publication costs, incurred during the audit.

28 [Section 546. Subpoenas; Oaths; Perjury.--The auditors of
29 each township may issue subpoenas to obtain the attendance of
30 the officers whose accounts they are required to adjust, their

1 executors and administrators, and of any person whom it may be
2 necessary to examine as a witness, and to compel their
3 attendance, by attachment, in like manner as any court of common
4 pleas may in cases pending before them and may also compel the
5 production of all books, vouchers, and papers relative to such
6 accounts. Such subpoena and attachment shall be issued by a
7 justice of the peace and be served by a constable or auditor of
8 the township. The auditors of each township may administer oaths
9 and affirmations to all persons brought or appearing before
10 them, whether accountants, witnesses, or otherwise. All persons
11 guilty of swearing or affirming falsely on such examination
12 shall be guilty of perjury.]

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

27 [Section 547. Completion, Filing and Publication of Annual
28 Township Report and Financial Statement.--(a) The auditors
29 shall complete their audit, settlement, and adjustment prior to
30 March first of each year, and in townships having a population

1 of ten thousand (10,000) or less, no more than twenty days shall
2 be expended on such audit. In townships having a population in
3 excess of ten thousand (10,000), no more than forty days shall
4 be expended on such audit. In addition to the time actually
5 expended by the auditors to complete their audit, settlement and
6 adjustment within such twenty or forty days limitations, the
7 auditors may expend not more than a total of ten additional days
8 at a compensation of thirty dollars (\$30) per day to audit the
9 accounts of any public official who handles public funds when a
10 vacancy occurs in the office of such public official.

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

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

30 (d) The township report shall contain the names and

1 addresses of the chairman, members and secretary-treasurer of
2 the board of supervisors of the township, a statement of the
3 receipts of the township from all sources, and of all accounts
4 and revenue which may be due and uncollected at the close of the
5 fiscal year, a statement of the disbursements of the township
6 during the fiscal year for the construction, reconstruction,
7 maintenance and repair of the roads, for the purchase and repair
8 of road equipment and machinery, the number of miles of road
9 opened, built and permanently improved, and the total number of
10 miles of road in the township, a statement of the balance in the
11 township treasury at the beginning of the fiscal year, a
12 statement of the resources and liabilities of the township at
13 the end of the fiscal year, a detailed statement of the
14 indebtedness of the township at the close of the fiscal year,
15 the provisions made for the payment thereof, together with the
16 purposes for which it was incurred, a statement of the cost of
17 ownership and operation of each and every public service
18 industry, owned, maintained or operated by the township, and
19 such more specific information, as may be required as
20 hereinafter provided.

21 (e) On or before March tenth of each year, the auditors
22 shall publish, by advertisement, once in at least one newspaper
23 of general circulation published in the township, or if no such
24 newspaper is published in the township, then in such a newspaper
25 circulating in the township, a concise financial statement
26 setting forth the balance in the treasury at the beginning of
27 the fiscal year, all revenues received during the fiscal year by
28 major classifications, all expenditures made during the fiscal
29 year by major functions, and the current resources and
30 liabilities of the township at the end of the fiscal year, the

1 gross liability and net debt of the township, the amount of the
2 assessed valuation of the township, the assets of the township
3 with the character and value thereof, the date of the last
4 maturity of the respective forms of funded debt, and the assets
5 in the sinking fund.

6 (f) If any township has a population of less than two
7 hundred, as shown by the last preceding decennial census of the
8 United States, the auditors may post five copies of the above
9 financial statement in public places in the township in lieu of
10 publication in a newspaper.]

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

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

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

29 (d) The township report shall contain the names and
30 addresses of the chairman and members of the board of

1 supervisors, the township secretary and the township treasurer,
2 a statement of the receipts of the township from all sources and
3 of all accounts and revenue which may be due and uncollected at
4 the close of the fiscal year, a statement of the disbursements
5 of the township during the fiscal year, a statement of the
6 balance in the township treasury at the beginning of the fiscal
7 year, a statement of the resources and liabilities of the
8 township at the end of the fiscal year, a detailed statement of
9 the indebtedness of the township at the close of the fiscal year
10 and the provisions made for the payment thereof together with
11 the purposes for which it was incurred, a statement of the cost
12 of ownership and operation of each public service industry
13 owned, maintained or operated by the township and other
14 information as may be required in this act.

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

28 (f) If any township has a population of less than two
29 hundred, as shown by the latest official census, the board of
30 auditors may post five copies of the financial statement in

1 public places in the township in lieu of publication in a
2 newspaper.

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

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

13 Section 905. Penalty for Failure to Perform Duty.--Any
14 auditor who fails to comply with this article commits a summary
15 offense.

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

30 Section 906. Employment and Compensation of Attorney.--If a

1 disagreement occurs with the board of auditors and any official
2 it is required to audit, the board of auditors may petition the
3 court of common pleas to appoint an attorney to represent or
4 advise the board of auditors on the matter. The court shall not
5 appoint an attorney unless reasonable effort to reach an
6 agreement has been made and only after the board of auditors has
7 given notice to the official or the board of supervisors of its
8 intent to petition the court for the appointment. The board of
9 auditors, with the agreement of the board of supervisors, shall
10 determine the compensation of the attorney. If the dispute
11 results in litigation or if the board of auditors and the board
12 of supervisors cannot agree upon the compensation to be paid to
13 the attorney, the court shall establish the compensation for the
14 attorney appointed for the board of auditors. The compensation
15 for the attorney shall be paid out of the general township fund.

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

26 Section 907. Surcharge by Auditors.--(a) The board of
27 auditors shall surcharge any elected or appointed officer for
28 the amount of any loss to the township caused in whole or in
29 part by the officer's act or omission in violation of law or
30 beyond the scope of the officer's authority. If the auditors

1 find an absence of intent to violate the law or exceed the scope
2 of authority and find the result of the officer's act could have
3 been achieved by legal means and authorized procedures, the
4 surcharge imposed shall be limited to the difference between the
5 costs actually incurred by the township and the costs that would
6 have been incurred had legal means and authorized procedures
7 been employed. Provisions of this section which limit the amount
8 of surcharge do not apply to cases involving fraud or collusion
9 on the part of the officers or to any penalty ensuing to the
10 benefit of or payable to the Commonwealth.

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

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

30 Section 908. Collection of Surcharge; Bond.--Any auditor,

elector or taxpayer of the township may enforce the collection of a judgment entered for a surcharge for the benefit of the township, by any appropriate action or execution, upon filing in the court of common pleas a bond (in the case of an elector or taxpayer), with one or more sureties, conditioned to indemnify the township for all costs which may accrue in the proceedings undertaken, subject, however, to all rights of appeal from the report of the board of auditors.

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

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

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

1 auditors.]

2 Section 910. Taxpayer's Appeal; Bond.--No appeal by an
3 elector, taxpayer or officer shall be allowed unless the
4 appellant enters into recognizance to prosecute the appeal with
5 effect, and to pay all costs accruing thereon, in case, if the
6 appellant is an elector or taxpayer, he fails to obtain a final
7 decision more favorable to the township than that awarded by the
8 board of auditors, or, if the appellant is an officer, he fails
9 to obtain a final decision more favorable to the officer than
10 that awarded by the board of auditors.

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

17 Section 911. Consolidation of Appeals.--When more than one
18 appeal from the report of the board of auditors is taken,
19 whether by the board of supervisors, by an officer thereof or by
20 an elector or taxpayer, the court may direct that the several
21 appeals be consolidated.

22 [Section 557. Testimony and Argument.--Any person interested
23 may order the appeal upon the argument list, and evidence may be
24 taken by deposition.]

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

28 Section 559. Report; Prima Facie Evidence; Burden of
29 Proof.--The accounts of the officer in question may be
30 investigated de novo. The figures and facts found and stated by

1 the auditors in their report of audit shall be taken as prima
2 facie correct as against any such officer, and the burden shall
3 be upon each officer, whose accounts are in question, to
4 establish the validity of the credits which he claims.]

5 Section 912. Report; Prima Facie Evidence; Burden of
6 Proof.--The accounts of the officer in question may be
7 investigated de novo. The figures and facts found and stated by
8 the auditors in their report of audit shall be taken as prima
9 facie correct as against any officer, and the burden shall be
10 upon each officer whose accounts are in question to establish
11 the validity of the credits which he claims.

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

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

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

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

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

29 Section 563. Counsel Fees.--When an appeal is taken from the
30 township auditors' report or settlement of the account of any

township officer, and such appeal results favorably to the appellants in such a manner that money is recovered for any township, the court hearing such appeal shall make an order to pay a reasonable counsel fee.]

Section 915. Attorney Fees.--Upon final determination of an 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 sentenced to pay a fine not exceeding one hundred dollars (\$100) and costs of prosecution, and shall forfeit his office.]

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

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

(b) At its annual organization meeting, the board of supervisors may, by resolution, appoint a certified or competent public accountant or a firm of certified or competent public accountants, either of which shall be registered in this

1 Commonwealth, to make an examination of all the accounts of the
2 township for the fiscal year just ended. The board of
3 supervisors shall determine the compensation of the appointed
4 auditor.

5 (c) When an accountant or firm is appointed under subsection
6 (a) or (b), the board of auditors shall not audit, settle or
7 adjust the accounts audited by the appointee but shall perform
8 the other duties of the office. The accountant or firm has the
9 powers given to the board of auditors under this act, except the
10 power to determine compensations and the amount of bond of the
11 township treasurer, and they are subject to the same penalties
12 as the elected auditors under this act. The report of the
13 accountant or firm is subject to appeals the same as reports of
14 the board of auditors under this act.

15 (d) For the purposes of meeting Federal or State
16 requirements, the board of supervisors may contract with an
17 independent public accountant to audit the fiscal affairs of the
18 township, independent of that conducted by the elected or
19 appointed auditors.

20 ARTICLE X

21 TAX COLLECTOR; ASSESSOR

22 [(f) Tax Collector

23 Section 570. Powers, Duties and Liabilities.--The tax
24 collector of townships shall collect all county, township,
25 school, institution district and other taxes levied within
26 townships by authorities empowered to levy taxes. He shall, in
27 addition to the powers, duties and responsibilities enumerated
28 in this act, have all the powers, perform all the duties, be
29 subject to all the obligations and responsibilities for the
30 collection of such taxes, as are now vested in, conferred upon,

1 or imposed upon, tax collectors by law.]

2 Section 1001. Tax Collector; Powers, Duties and
3 Liabilities.--The tax collector shall collect all county,
4 township, school, institution district and other taxes levied
5 within townships by authorities authorized to levy taxes. The
6 tax collector may also be designated in the tax-levying
7 ordinance or resolution, or be employed by the tax-levying
8 authority, to collect taxes levied under the act of December 31,
9 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act."
10 In addition to the powers, duties and responsibilities under
11 this act, the tax collector shall exercise all the powers and
12 perform all the duties, and be subject to all the obligations
13 and responsibilities for the collection of taxes, as are
14 conferred upon tax collectors by law.

15 [(g) Assessor

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

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

24 ARTICLE XI

25 TOWNSHIP SOLICITOR

26 [(h) Township Solicitor

27 Section 580. Appointment.--The board of supervisors, on the
28 first Monday of January in any year, or as soon thereafter as
29 practicable, may appoint, by a vote of a majority of the
30 members, and fix the compensation of one person learned in the

1 law, who shall be styled the township solicitor. In lieu of the
2 appointment of one person, the board of supervisors may appoint
3 a law firm, partnership, association or professional corporation
4 which shall act as the township solicitor.]

5 Section 1101. Township Solicitor.--The board of supervisors
6 may appoint and determine the compensation of a township
7 solicitor. The township solicitor shall be licensed to practice
8 law in this Commonwealth and may be one person or a law firm,
9 partnership, association or professional corporation. The
10 township solicitor serves at the pleasure of the board of
11 supervisors.

12 [Section 581. Solicitor to Have Control of Law Matters.--The
13 law matters of the township shall be under the superintendence,
14 direction, and control of the township solicitor, and no
15 official or official body of the township, except as herein
16 otherwise provided, shall employ an additional counsel without
17 the assent or ratification of the board of supervisors.]

18 Section 1102. Solicitor to Have Control of Legal Matters.--
19 The township solicitor shall direct and control the legal
20 matters of the township, and no official or official body of the
21 township, except as otherwise provided under law, shall employ
22 an additional attorney without the assent or ratification of the
23 board of supervisors.

24 [Section 582. Duties of Solicitor.--The township solicitor,
25 when directed or requested so to do, shall prepare or approve
26 such bonds, obligations, contracts, leases, conveyances,
27 ordinances and assurances to which the township may be a party;
28 he shall commence and prosecute all actions brought by the
29 township for or on account of any of the estates, rights,
30 trusts, privileges, claims, or demands, as well as defend all

1 actions or suits against the township, or any officer thereof,
2 wherein or whereby any of the estates, rights, privileges,
3 trusts, ordinances, or accounts, of the township, may be brought
4 in question before any court in the Commonwealth, and shall do
5 every professional act incident to the office which he may be
6 authorized or required to do by the board of supervisors or by
7 any resolution. He shall, whenever required, furnish the board
8 of supervisors, or any of them, with his opinion in writing upon
9 any question of law which may be submitted by any of them in
10 their official capacities.]

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

29 ARTICLE XII

30 TOWNSHIP ENGINEER

1 [(i) Township Engineer

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

6 Section 1201. Township Engineer.--The board of supervisors
7 may appoint and determine the compensation of a township
8 engineer who shall be a registered professional engineer. The
9 township engineer serves at the pleasure of the board of
10 supervisors.

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

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

1 [Section 587. Certificate of Commencement and of Completion
2 of Municipal Improvements.--Where a township engineer is
3 employed, he shall, immediately after the completion of any
4 municipal improvement, the cost of which, in whole or in part,
5 is to be paid by the owners of the abutting property, make a
6 certificate in which he shall state the day or time on which the
7 particular improvement was completed, and shall file the same
8 with the township secretary, who shall enter the said day or
9 time of completion in a book to be kept by him for said
10 purposes; and the said day or time mentioned in said certificate
11 shall be conclusive on all parties as to the time the said work
12 was completed. The time of completion of the work, referred to
13 in this section and in other parts of this act, shall be taken
14 to mean the time of the completion of the whole contract for the
15 improvement. He shall also furnish to the township secretary a
16 certificate showing the time at which any such particular
17 improvement was commenced, and such certificate shall be
18 conclusive evidence of the time when the said improvement was
19 begun; and an entry of such date shall be made by said secretary
20 in the book aforesaid.]

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

1 [(j) Township Police

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

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

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

26 Section 591. Powers.--Each policeman so appointed shall be
27 an ex-officio constable of the township, and shall and may,
28 without warrant and upon view, arrest and commit for hearing any
29 and all persons guilty of breach of the peace, vagrancy, riotous
30 and disorderly conduct, or drunkenness, or who may be engaged in

1 the commission of any unlawful act tending to imperil the
2 personal security or endanger the property of citizens, or in
3 violating any of the ordinances of said township for which a
4 fine or penalty is imposed.

5 The keepers or persons in charge of jails, lockups, or
6 station houses shall receive all persons arrested by such
7 policemen for the commission of any offense against the laws of
8 this Commonwealth within said township.

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

13 Section 593. Equipment.--The township supervisors may
14 provide each such policeman with a uniform and equipment and
15 means of transportation and the maintenance of the same, the
16 cost thereof to be paid out of the general township fund of the
17 township or townships.

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

24 Section 595. Police Pension Fund.--Where a police force is
25 being maintained, the township may, by ordinance, establish a
26 police pension fund or pension annuity into which each member of
27 the police force may be required to pay an equal and
28 proportionate monthly charge not exceeding annually three per
29 centum of the pay of such member. The fund shall be under the
30 direction of the supervisors or such committee as they may, by

1 ordinance, prescribe for the benefit of such members of the
2 police force as shall receive honorable discharge therefrom by
3 reason of age or disability, and the families of such as may be
4 injured or killed in the service. Any allowances made to those
5 who are retired by reason of disability or age shall be in
6 conformity with a uniform scale.

7 Section 596. Service Required Before Retirement.--

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

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

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

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

1 Section 599. Rights of Members.--A person, participating in
2 such police pension fund and becoming entitled to receive a
3 benefit therefrom, shall not be deprived of his right to an
4 equal and proportionate share therein upon the basis upon which
5 he first became entitled thereto, except for the following
6 causes, that is to say conviction of a crime, or misdemeanor,
7 becoming an habitual drunkard, becoming a non-resident of the
8 Commonwealth, or failing to comply with some general regulation
9 relating to the management of such fund, which may be made by
10 ordinance, and which provides that a failure to comply therewith
11 shall terminate the right to participate in the pension fund
12 after such notice and hearing as it shall prescribe.

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

1 each board, each such board shall pay one-half of the
2 compensation of such police.]

3 ARTICLE XIII

4 TOWNSHIP MANAGER

5 [(k) Township Manager

6 Section 599.1. Appointment, Removal, Powers and Duties;
7 Compensation; Bond.--The supervisors may by ordinance, at any
8 time, create the office of township manager and may, in like
9 manner, abolish the same. While said office exists the
10 supervisors shall, from time to time, and, whenever there is a
11 vacancy, by majority vote, elect one person to fill said office,
12 who shall serve until his successor is elected and qualified.
13 Any such township manager shall be subject to removal by the
14 supervisors by majority vote.

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

23 The office of township manager shall not be deemed
24 incompatible with the office of township secretary, township
25 treasurer, or any other township office or employment, except
26 that of supervisor.]

27 Section 1301. Township Manager; Appointment, Removal, Powers
28 and Duties; Compensation; Bond.--(a) The board of supervisors
29 may, by ordinance at any time, create the office of township
30 manager and may, in like manner, abolish the office. While the

1 office exists, the board of supervisors shall appoint one person
2 to fill the office. The township manager serves at the pleasure
3 of the board of supervisors.

4 (b) The powers and duties of the township manager shall be
5 established by ordinance. The compensation shall be set by
6 resolution and paid out of the general fund of the township. The
7 board of supervisors may delegate, subject to recall, any of
8 their nonlegislative powers and duties to the township manager.
9 The township manager shall give bond to the township, with
10 sufficient surety, in the amount directed by the board of
11 supervisors, conditioned for the faithful performance of the
12 duties of the office.

13 (c) The office of township manager is not incompatible with
14 the office of township secretary, township treasurer or any
15 other township office or employment, except that of supervisor
16 or township police officer.

17 ARTICLE [VI] XIV

18 [STATE AND COUNTY ASSOCIATIONS OF TOWNSHIP OFFICERS]

19 COUNTY AND STATE ASSOCIATIONS

20 OF TOWNSHIPS

21 [(a) County Associations

22 Section 601. County Associations.--County associations of
23 township supervisors, auditors, assessors and tax collectors may
24 be formed. Such associations, when formed, shall hold annual or
25 semi-annual conventions at the county seats of the respective
26 counties, or some other suitable place, for the purpose of
27 considering and discussing questions and subjects pertaining to
28 the best methods for the improvement of the township government,
29 the assessment of property, the collection of taxes and the
30 construction, improvement and maintenance of roads. Such

1 associations of two or more adjacent counties may arrange to
2 meet in joint session.

3 Section 602. Who to Attend; Compensation and Mileage.--The
4 supervisors of townships, auditors, assessors, tax collectors,
5 managers, solicitors, engineers, and the secretary of the board
6 of township supervisors, when not a member of the board, shall
7 attend such conventions whenever possible. Each township
8 supervisor, auditor, assessor, tax collector, manager,
9 solicitor, engineer, and secretary attending such convention
10 shall receive a certificate, signed by the presiding officer and
11 acting secretary of the convention, attesting his presence at
12 the convention. Such certificate shall entitle him to collect
13 from the township treasurer the sum of thirty-five dollars per
14 day for each day's attendance, expenses which shall be limited
15 to the registration fee, mileage for use of a personal vehicle
16 or reimbursement of actual transportation expense going to and
17 returning from such meeting plus all other actual expenses that
18 the township board of supervisors may have agreed to pay. Every
19 delegate attending the meeting shall submit to the township
20 board of supervisors an itemized account of expenses incurred
21 thereat. The township board of supervisors may authorize
22 township employes to be compensated at their regular employe
23 rate during their attendance at the meeting, in which case such
24 employe shall not be entitled to the thirty-five dollars
25 mentioned in this section. No township supervisor, auditor,
26 assessor, tax collector, manager, solicitor, engineer, or
27 secretary shall be paid for more than two days' attendance in
28 any one year.

29 Section 603. Officers of County Association.--The officers
30 of the association shall consist of a president, two vice-

1 presidents, a secretary, and a treasurer, none of whom shall be
2 interested directly or indirectly in the promotion or sale of
3 road material and equipment, and all of whom, except the
4 secretary, shall be members of the association, and shall hold
5 office for one year or until their successors are chosen. If
6 desirable, the secretary may be a person not a regular member of
7 the association, and may be paid for his service such
8 compensation, not exceeding fifty dollars per annum, as the
9 other officers may determine. Every township supervisor,
10 assessor, tax collector, and auditor attending such convention
11 may vote in the election of officers.

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

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

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

26 (c) Each supervisor, auditor, assessor, tax collector,
27 manager, solicitor, engineer, treasurer and secretary attending
28 the convention shall receive a certificate, signed by the
29 secretary of the county association, attesting their presence at
30 the convention. The certificate entitles the official to collect

1 from the township treasurer the sum of thirty-five dollars (\$35)
2 for each day's attendance, expenses which are limited to the
3 registration fee, mileage for use of a personal vehicle or
4 reimbursement of actual transportation expense going to and
5 returning from the meeting plus all other actual expenses that
6 the board of supervisors agrees to pay. Every delegate attending
7 the meeting shall submit to the board of supervisors an itemized
8 account of expenses incurred at the meeting. If the meeting is
9 held during township employees' normal work schedule, the board
10 of supervisors may authorize township employees to be compensated
11 at their regular employe rate during their attendance at the
12 meeting, in which case the employe is not entitled to the
13 thirty-five dollars (\$35) mentioned in this section. No
14 supervisor, auditor, assessor, tax collector, manager,
15 solicitor, engineer, treasurer or secretary shall be paid for
16 more than two days' attendance in any one year.

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

27 (e) Expenses of each county association convention shall be
28 paid from dues assessed by the association on each member
29 township or from other funds as the members of the county
30 association determine.

1 (f) Each county association of township officials may elect
2 one township supervisor, township manager, township treasurer or
3 township secretary for each ten townships, or fraction thereof,
4 within the county, as a voting delegate to each annual meeting
5 of the State association, but each county association is
6 entitled to a minimum of two delegates at each meeting. These
7 delegates' expenses may be paid by the respective county
8 association.

9 [(b) State Association of Township Supervisors

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

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

26 The dues as adopted in these bylaws are legal expenditures of
27 the townships and are to be used to pay for the services,
28 publications and other expenses, including the rental and
29 acquisition of real estate to be used for association purposes
30 and activities authorized by the association or incurred in

1 behalf of the association by its officers and executive
2 committee.

3 The State Association of Township Supervisors is hereby
4 authorized to purchase, take, receive, lease as lessee, take by
5 gift or devise, or otherwise acquire, and to own, hold, use and
6 otherwise deal with any real estate, or any interest therein in
7 its own name for association purposes and activities authorized
8 by the association and to mortgage, sell and convey, lease as
9 lessor, and otherwise dispose of all or any part of said real
10 estate in such manner as may be provided in the bylaws of the
11 association.

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

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

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

1 Each township shall certify the name and address of its
2 elected delegate or delegates and the designated voting delegate
3 to the State association at least fifteen days prior to the
4 opening of the State convention.

5 Section 612. Expenses and Mileage.--The expenses allowed the
6 delegates attending the annual meeting shall be limited to the
7 registration fee, mileage for use of a personal vehicle or
8 reimbursement of actual transportation expense going to and
9 returning from such meeting plus all other actual expenses that
10 the township board of supervisors may have agreed to pay. Every
11 delegate attending the annual meeting shall submit to the
12 township board of supervisors an itemized account of expenses
13 incurred thereat. The township board of supervisors may
14 authorize township employes to be compensated at their regular
15 employe rate during their attendance at the annual meeting. No
16 delegate shall receive expenses for more than four days
17 including the time employed in traveling thereto and therefrom,
18 together with mileage going to and returning from such meeting.]

19 Section 1402. State Association of Township Supervisors
20 Authorized.--(a) The formation of a State Association of
21 Township Supervisors is authorized.

22 (b) The State association shall hold annual meetings, at a
23 time and place within this Commonwealth as it may designate, to
24 discuss questions and subjects pertaining to the duties of
25 elected and appointed township officials and the improvement of
26 township government.

27 (c) The State association, at its annual meeting, by
28 majority vote of all qualified voting delegates present, may
29 adopt and amend bylaws to govern the State association. The
30 bylaws shall govern the qualification of delegates, election of

officers, their designation, qualifications and duties, payment of dues and other organizational matters. The State association shall function under the bylaws to advance the interest of township government.

(d) The board of supervisors may designate one or more of 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 employees to be compensated at their regular employee 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.

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

ARTICLE [VII] XV

[GENERAL] CORPORATE POWERS

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

I. Sue and be sued;

II. Purchase, acquire by gift, or otherwise, hold, lease,
let and convey, by sale or lease, such real and personal
property as shall be deemed to be to the best interest of the
township: Provided, That no real estate owned by the township
shall be sold for a consideration in excess of fifteen hundred
dollars, except to the highest bidder after due notice by
advertisement for bids or advertisement of a public auction in
one newspaper of general circulation in the township. Such
advertisement shall be published once not less than ten days
prior to the date fixed for the opening of bids or public
auction, and such date for opening bids or public auction shall
be announced in such advertisement. The acceptance of bids shall
be made only by public announcement at a regular or special
meeting of the board of township supervisors or at the public

1 auction. All bids shall be accepted on the condition that
2 payment of the purchase price in full shall be made within sixty
3 days of the acceptance of bids.

4 The board of supervisors shall have the authority to reject
5 all bids if such bids are deemed to be less than the fair market
6 value of the real property. In the case of a public auction, the
7 board of supervisors may establish a minimum bid based on the
8 fair market value of the real property.

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

30 The provisions of this clause shall not be mandatory where

1 township property is to be traded in or exchanged for new
2 township property.

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

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

1 for the purposes of the company, service, squad or corporation
2 the property shall revert to the township.

3 Any officer who sells and each officer who votes in favor of
4 selling any township property, either real or personal, without
5 the provisions of this section having been complied with, shall
6 be subject to surcharge in the amount of any loss sustained by
7 the township by reason of such sale.

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

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

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

26 (b) Any supervisor who votes in favor of or knowingly
27 participates in the sale or lease of township real or personal
28 property in violation of this article is subject to surcharge to
29 the extent of any loss or injury to the township as a result of
30 the sale or lease.

1 Section 1503. Real Property.--(a) No real estate owned by
2 the township having a value in excess of fifteen hundred dollars
3 (\$1,500) may be sold except to the highest bidder after due
4 notice by advertisement for bids or advertisement of a public
5 auction in one newspaper of general circulation in the township.
6 The advertisement shall be published once not less than ten days
7 before the date set for the opening of bids or public auction,
8 and the date for opening bids or public auction shall be
9 announced in the advertisement. The acceptance of bids shall be
10 made only by public announcement at a regular or special meeting
11 of the board of supervisors or at the public auction. All bids
12 shall be accepted on the condition that payment of the purchase
13 price in full shall be made within sixty days of the acceptance
14 of bids.

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

20 (c) The requirements of this section do not apply to
21 conveyances or leases of real property by a township to any
22 municipal corporation, the Federal Government, the Commonwealth,
23 or any institution district, school district, county, public
24 utility, volunteer fire company, nonprofit corporation engaged
25 in community industrial development, volunteer ambulance service
26 or volunteer rescue squad located within the township, nonprofit
27 corporation organized as a public library, nonprofit medical
28 service corporation, nonprofit housing corporation, nonprofit
29 organizations providing community service or development
30 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

1 dispose of, the real property free and clear of any public
2 right.

3 Section 1504. Personal Property.--(a) No personal property
4 of the township shall be sold or disposed of without the
5 approval of the board of supervisors. No personal property owned
6 by the township, the estimated value of which is five hundred
7 dollars (\$500) or more, shall be sold except to the highest
8 bidder after due notice by advertisement for bids or for public
9 auction in one newspaper of general circulation in the township.
10 The advertisement shall be published once not less than ten days
11 before the date set for the opening of bids or public auction,
12 and the date for opening bids or public auction shall be
13 announced in the advertisement. The acceptance of bids shall be
14 made only by public announcement at a regular or special meeting
15 of the board of supervisors or at the public auction. All bids
16 shall be accepted on the condition that payment of the purchase
17 price in full is made immediately upon acceptance of the
18 successful bid. The board of supervisors may reject any bids
19 received if the bids are believed to be less than the fair
20 market value of the property.

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

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

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

3 (2) The sale or lease of personal property to any municipal
4 corporation, the Federal Government, the Commonwealth, or any
5 institution district, school district, municipality authority,
6 county, public utility, volunteer fire company, nonprofit
7 corporation engaged in community industrial development,
8 volunteer ambulance service or volunteer rescue squad located
9 within the township, nonprofit corporation organized as a public
10 library, nonprofit medical service corporation, nonprofit
11 housing corporation, nonprofit organizations providing community
12 service or development activities or nonprofit corporation
13 established for the preservation of historical, architectural or
14 aesthetical sites or artifacts.

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

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

1 a supply of light.

2 II.1. Contracts and Assessments for Lighting.--To provide
3 street lights and to make regulations therefor within the
4 township or within any district of the township established by
5 the township supervisors for that purpose:

6 A. Upon receipt of a petition signed by seventy per centum
7 of the property owners within any defined area of the township,
8 township supervisors shall establish said defined area as a
9 lighting district or include such defined area within an
10 existing lighting district and shall provide public lighting
11 within such area.

12 B. The township supervisors may enter into contract with
13 electric, gas or other lighting companies to light and
14 illuminate said roads and highways and other public places with
15 electric light, gas light or other illuminant.

16 C. The township supervisors may pay for the cost of public
17 lighting by any one or combination of the following means
18 regardless of whether the installation of said lighting was
19 initiated by action of the township supervisors or by petition
20 as herein provided:

21 (a) from the general fund;

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

24 (c) by uniform annual assessment upon each property
25 benefited; or

26 (d) by any combination of the above methods or by such other
27 equitable means of assessment as the township supervisors may
28 determine.

29 D. In cases where public street lighting is currently in
30 existence and is being paid for by a certain means or method,

1 the township supervisors may, at their discretion, alter or
2 amend the means of assessing the cost of such lighting.

3 E. Properties shall be subject to assessment for this
4 purpose whether or not the property is exempt from taxation by
5 existing law, by an equal assessment on all property in
6 proportion to the number of feet the same fronts on the street
7 or highway, or portion thereof to be lighted, or by an equal
8 assessment upon each property benefited.

9 F. If the front-foot method of assessment is used, the
10 assessment shall be by equal assessment on all property in
11 proportion to the number of feet the same fronts on the street
12 or highway, or portion thereof to be lighted. The township
13 supervisors may provide for an equitable reduction from the
14 frontage of lots at intersections or where, from the peculiar or
15 pointed shape of lots, an assessment of the full frontage would
16 be inequitable. No such assessment shall be made against any
17 farmland, but vacant lots between built-up sections, whether
18 tilled or untilled, shall not be deemed to be farmlands:
19 Provided, however, That the assessment per front foot against
20 vacant lots shall be only twenty-five per centum of the
21 assessment per foot against property with improvements thereon.

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

30 H. The township tax collector shall be entitled to the same

1 commission as he is entitled to for the collection of other
2 township taxes.

3 I. All assessments, when collected, shall be paid over to
4 the township treasurer, who shall receive and keep the same in a
5 separate account and pay out the same only upon orders signed by
6 the chairman of the township supervisors, attested by the
7 secretary. The tax collector and the treasurer shall make a
8 report to the auditors of the township annually.

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

18 The moneys necessary for placing, replacing, operating,
19 maintaining and repairing such fire hydrants, or for fulfilling
20 contract obligations to water companies or municipal authorities
21 with respect to such fire hydrants, or for providing for or
22 acquiring any such water system may be obtained by proceeding in
23 accordance with the following:

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

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

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

25 (b) The township supervisors shall annually assess, or cause
26 to be assessed, the cost and expense of such fire protection
27 service by an equal assessment on all property, whether or not
28 exempt from taxation under existing law, abutting upon said
29 highways, streets, roads and alleys, or portions thereof, within
30 seven hundred and eighty feet of any fire hydrant in the

1 district benefited thereby, in proportion to the number of feet
2 the said property fronts on any highway, street, road or alley
3 upon which a water main is laid, or within seven hundred and
4 eighty feet of any fire hydrant on such highway, street, road or
5 alley. The township 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, either tilled or untilled, shall not be deemed to be
11 farm lands. All such assessments for fire protection shall be
12 filed with the township tax collector who shall give thirty (30)
13 days' written or printed notice that the assessments are due and
14 payable, stating the due date to each party assessed, either by
15 service on the owner of the property or by mailing such notice
16 to the owner at his last known post office address. The township
17 tax collector shall be entitled to the same commission for the
18 collection of such assessments as he is entitled to by law for
19 the collection of the township road tax. If the assessments or
20 any of them remain unpaid at the expiration of not exceeding
21 ninety (90) days, the exact time to be fixed by the township
22 supervisors, they shall be placed in the hands of the township
23 solicitor for collection. The township solicitor shall collect
24 the same together with five percent as attorney's commission and
25 interest from the date such assessments were due by a municipal
26 claim filed against the property of the delinquent owner in like
27 manner as municipal claims are by law filed and collected. Where
28 an owner has two or more lots against which there is an
29 assessment for the same year all such lots may be embraced in
30 one claim. All assessments when collected shall be paid over to

1 the township treasurer who shall receive and shall keep the same
2 in a separate account and shall pay the same only upon orders
3 signed by the chairman of the township supervisors attested by
4 the township secretary. The township tax collector and the
5 township treasurer shall make a report to the auditors of the
6 township, annually.

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

10 If the township supervisors elect to pay the cost of fire
11 protection services out of the general fund, the special fire
12 protection districts and annual assessments shall be abolished.
13 All moneys in the separate accounts for the special fire
14 protection districts shall be paid into the general fund.

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

1 boroughs, or townships, or fire departments, fire companies, or
2 fire company therein, for the furnishing to such townships of
3 fire protection by the fire department, fire departments, fire
4 companies, or fire company of such cities, boroughs, or
5 townships, and to make appropriations therefor.

6 IV.I. Ponds or Dams for Fire Protection.--To construct or
7 contribute money for or participate in the construction of ponds
8 or lawful dams for the purpose of providing water for fire
9 protection for villages or built-up sections in the townships.
10 This power shall be exercised only upon request of those
11 providing fire protection facilities serving the district in
12 which the pond or dam is located.

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

16 VI. Memorial Day Appropriations.--To appropriate moneys for
17 the expenses of Memorial Day services.

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

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

30 (1) Collect, remove and dispose of or to provide, by

1 contract or otherwise, for the collection, removal and disposal,
2 by incineration, land fill or other methods of ashes, garbage,
3 rubbish and other refuse materials and to prescribe penalties
4 for the enforcement thereof. Any such contract may be made for a
5 period not exceeding three years. This limitation shall not
6 apply to contracts entered into with any other political
7 subdivision or with any municipality authority. To acquire any
8 real property and to erect, maintain, improve, operate, and
9 lease, either as lessor or lessee, facilities for incineration,
10 land fill or other methods of disposal, either within or without
11 the limits of the township, including equipment, either
12 separately or jointly, with any other political subdivision or
13 with any municipality authority in order to provide for the
14 destruction, collection, removal and disposal of ashes, garbage,
15 rubbish and other refuse materials and to provide for the
16 payment of the cost and expense thereof, either in whole or
17 part, out of the funds of the township and to acquire land for
18 land fill purposes, either amicably or by exercising the power
19 of eminent domain, and to maintain such lands and places for the
20 dumping of ashes, garbage, rubbish and other refuse material to
21 fix, alter, charge and collect rates, and other charges for the
22 collection, removal and disposal of ashes, garbage, rubbish and
23 other refuse materials and the costs of including the payment of
24 any indebtedness incurred for the construction, purchase,
25 improvement, repair, maintenance and operation of any facilities
26 therefor, and the amount due under any contract with any other
27 political subdivision or with any municipality authority
28 furnishing any of such services or facilities. To incur
29 indebtedness and issue bonds for the costs of the construction,
30 purchase, improvement and repair of any facilities for the

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

22 (2) on petition of a majority of the adult taxable residents
23 of any territory within the township, which has been definitely
24 defined, set apart and limited by the township supervisors, with
25 the approval of the township auditors, as a village, prior to
26 the filing of any such petition, either with township employees
27 and facilities, or with independent contractors, provide for the
28 removal from the village of ashes or garbage or other refuse
29 material, as the case may be, and for the disposal thereof. The
30 supervisors shall levy a per capita assessment upon all adult

1 residents of any such village, sufficient to defray the cost of
2 such removal and disposal. Such assessment shall be collected in
3 the same manner as per capita taxes, and the collector shall
4 receive the same commission thereon. The treasurer of the board
5 of supervisors shall receive all such assessments collected and
6 keep the same in a separate account and pay the same out only
7 upon orders signed by the chairman and attested by the secretary
8 of the board of supervisors. The treasurer shall make an annual
9 report of the account to the auditors of the township.

10 IX. Traffic Lights and Signals.--To provide for and to
11 expend moneys from the general township fund for the erection,
12 maintenance, and operation of traffic lights and traffic signals
13 whenever deemed necessary for the protection of the traveling
14 public.

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

26 XI. Appropriations for Forestry.--To appropriate moneys from
27 the general township fund to any forest protection association
28 co-operating with the State Department of Forests and Waters, or
29 to be expended in direct co-operation with said Department of
30 Forests and Waters in forest work; and to purchase or take by

1 gift any forest lands for recreational purposes.

2 XII. Nuisances.--To prohibit nuisances, including but not
3 limited to, accumulations of garbage and rubbish, and the
4 storage of abandoned or junked automobiles, on private and
5 public property, and the carrying on of any offensive
6 manufacture or business; and to remove any nuisance or dangerous
7 structure on public or private grounds after notice to the owner
8 to do so, and, in his default, to collect the cost of such
9 removal, together with such penalty as may be prescribed by
10 ordinance from the owner by summary proceedings or in the manner
11 provided for the collection of municipal claims or by an action
12 of assumpsit without the filing of a claim. In the exercise of
13 the powers herein conferred, the township may institute
14 proceedings in courts of equity.

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

23 B. To make contracts of insurance with any fire insurance
24 company, duly authorized by law to transact business in the
25 Commonwealth of Pennsylvania, on any building or property owned
26 by such township.

27 C. To make contracts with any insurance company, so
28 authorized, insuring any public liability of the township,
29 including insurance on every township officer, official, and
30 employe for liability arising from errors and omissions in the

1 performance of their duties in the course of their employment,
2 except that liability of elected or appointed officials or
3 officers for surcharge in accordance with law shall not be
4 affected hereby.

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

23 (1) Elected officials, except township supervisors who are
24 provided for in section 515, and appointed township officials
25 who are not employes of the township shall not be eligible for
26 participation in any life, health, hospitalization, medical
27 service or accident insurance coverage contract paid in whole or
28 in part by the township. Any such insurance coverage contract
29 entered into by a township between January 1, 1959, and March
30 31, 1985, that includes or provides coverage for elected

1 officials, except as provided in section 515, or appointed
2 township officials who are not employees of the township, shall
3 not be void or unlawful solely because such inclusion of such
4 officials was subsequently found to be without lawful authority.
5 No penalty, assessment, surcharge, forfeiture or disciplinary
6 action of any kind may occur as a result of participation by
7 such officials: Provided, however, That insurance benefits
8 payable to insureds or their beneficiaries arising out of or on
9 account of deaths, injuries, accidents or illnesses occurring
10 prior to the effective date of this amendatory act shall remain
11 the property of the insureds or their beneficiaries.

12 E. To contract with any such company or otherwise provide
13 for the granting of annuities or pensions, for the pensioning of
14 employees, and for such purposes, to pay part or all of the
15 premiums or charges for carrying such contracts, and to
16 appropriate out of its treasury any money necessary to pay such
17 premiums, or charges, costs or portions thereof. This provision
18 is subject to the following qualifications:

19 (1) The benefit coverage shall be provided to supervisor-
20 employees in accordance with section 515.

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

25 (3) Elected officials, except township supervisors who are
26 provided for in section 515, and appointed township officials
27 who are not employees of the township shall not be eligible for
28 participation in any pension or annuity contract paid in whole
29 or in part by the township. No elected official, except as
30 provided in section 515, or appointed township official who is

1 not an employe of the township, included in a township-paid
2 pension or annuity plan entered into by a township between
3 January 1, 1959, and March 31, 1985, shall be subject to any
4 penalty, assessment, surcharge, forfeiture or disciplinary
5 action of any kind as a result of said participation. Any
6 residual interest, value, refund of premium or benefits payable
7 on or after March 31, 1985, arising out of the township-paid
8 interest of the elected or appointed township officials shall
9 become the exclusive property of the township.

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

25 XIV. Armories.--To appropriate money or convey land, either
26 independently or in connection with any county, city, town,
27 borough or township, to the Commonwealth, for the purpose of
28 assisting the Armory Board of the Commonwealth in the erection
29 of armories for the use of the National Guard, and to furnish
30 water, light or fuel, free of cost to the Commonwealth, for use

1 in any armory of the National Guard, and to do all things
2 necessary to accomplish the purposes of this clause.

3 XV. National Guard.--To take by right of eminent domain, for
4 the purpose of appropriating to the township, for the use of the
5 National Guard of Pennsylvania, such public lands, easements,
6 and public property as may be in its possession or control, and
7 used or held by it for any other purpose. Such right, however,
8 shall not be exercised as to any street or highway or wharf.

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

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

26 XVIII. Display of Flags.--To display the flag of the United
27 States, the Commonwealth, the official POW/MIA flag or the flag
28 of any county, city, borough or township on any public building
29 or grounds of the township.

30 XIX. Care of Memorials.--To take charge of, care for,

1 maintain and keep in good order and repair at the expense of the
2 township, any soldiers monument, gun or cartridge, or other
3 similar memorials, when there is not in existence any person,
4 body or organization to care for and maintain the same, and when
5 such memorials were not erected by the government of the United
6 States, the Commonwealth of Pennsylvania, any other state, or by
7 the commissioners of any county; and to receive from persons or
8 organizations funds for such purposes.

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

20 XXI. Support of National Guard Units.--To appropriate
21 annually a sum not exceeding seven hundred and fifty dollars for
22 the support and maintenance, discipline and training of any
23 dismounted company or similar unit of the National Guard, and a
24 sum not to exceed fifteen hundred dollars for the support and
25 maintenance of any mounted or motorized troop or similar unit of
26 the National Guard. Where such units are organized as a
27 battalion, regiment or similar organization, the total amount
28 due may be paid to the commanding officer of the battalion,
29 regiment or similar organization. Any moneys so appropriated
30 shall be paid by warrant drawn to the order of the commanding

1 officer of such company, battalion, regiment or similar
2 organization, only when it shall be certified to the township,
3 by the Adjutant General of the State, that the said company or
4 companies have satisfactorily passed the annual inspection
5 provided by law. The moneys so appropriated shall be used and
6 expended solely and exclusively for the support and maintenance,
7 discipline and training of the said company, battalion,
8 regiment, or similar organization; and the commanding officers
9 shall account, by proper vouchers to the said township each
10 year, for the expenditure of the money so appropriated, and no
11 appropriation shall be made for any subsequent year until the
12 expenditure of the previous year is duly and satisfactorily
13 accounted for.

14 The accounts of such expenditures shall be subject to the
15 inspection of the Department of Military Affairs, and shall be
16 audited by the Auditor General in the manner provided by law for
17 the audit of accounts of state moneys.

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

25 Whenever five per centum or more registered electors of the
26 township shall petition the supervisors for the establishment
27 and maintenance of fire hydrants and fire hydrant water service,
28 and the levy of a tax, not exceeding two mills, to defray the
29 expense thereof, and for a referendum thereon, the supervisors
30 shall, if they approve thereof, cause a question to be submitted

1 at the next municipal election occurring at least sixty days
2 thereafter, by certifying a resolution duly adopted to the
3 county board of elections for submission on the ballot or on
4 voting machines, in the manner provided by the election laws of
5 this Commonwealth. If fifty-one per centum or more of the
6 persons voting on such question in the township shall vote
7 "Yes," then the supervisors shall have power to enter into such
8 contract and levy an annual tax as aforesaid: Provided, That no
9 such question shall be submitted at any election unless the
10 resolution of the board of supervisors authorizing the same
11 shall be published once in a newspaper of general circulation
12 published in the county in which the township is situated. If
13 within thirty days after date of publication, taxpayers of the
14 township whose property valuation as assessed for taxable
15 purposes within the township shall amount to thirty-five per
16 centum of the total property valuation as assessed for taxable
17 purposes within the township, shall sign and file with the
18 chairman of the board of supervisors a written protest against
19 submitting such question at any election, then the board of
20 supervisors shall not certify any resolution to the county board
21 of elections as provided in this clause.

22 XXIII. Regulation of Parks.--To regulate by resolution or
23 ordinance the use and enjoyment by the public of any park or
24 recreational grounds owned and operated by charitable
25 organizations for the use of the public without charge; to
26 prescribe rules for the use by the public of such parks and
27 recreational grounds and the facilities and amusements connected
28 therewith; and to make any violation of such rules when posted
29 at conspicuous places in such parks or recreational grounds
30 punishable in a summary proceeding before any justice of the

1 peace, alderman or magistrate of the county by the payment of
2 costs of prosecution and a fine of not more than ten dollars,
3 and, in default of the payment thereof, imprisonment in the jail
4 of the county for a period not exceeding five days.

5 Any police officer when displaying a badge or sign of
6 authority may arrest upon view any person violating any such
7 rules, and such peace officer shall forthwith make and file with
8 the justice of the peace, alderman or magistrate before whom the
9 arrested person is taken an information setting forth the
10 offense.

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

19 XXV. Zoning Ordinances.--To adopt and enforce zoning
20 ordinances, regulating the location, construction, and use of
21 buildings, the size of courts and open spaces, the density of
22 population, and the use of land.

23 XXVI. Obstruction of Roads, Drains and Bridges.--To
24 prohibit, by ordinance, the erection or construction of any
25 obstruction to the convenient use of the roads, footwalks,
26 culverts, drains and bridges in the township.

27 XXVII. Cemetery, Cesspool, Sewer and Drainage Regulations.--
28 To make regulations, by ordinance, respecting cemeteries,
29 vaults, sewers, drains and cesspools.

30 XXVIII. Abandoned Cemeteries.--Whenever any cemetery or

1 burial ground incorporated or unincorporated, is abandoned, or
2 is being neglected although occasionally used for burial
3 purposes, either of the following actions may be taken:

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

22 XXIX. Health.--To make such regulations, by ordinance, not
23 inconsistent with State laws and regulations, as may be
24 necessary for the promotion of the health, cleanliness, comfort
25 and safety of the citizens of the township.

26 XXX. Sewers.--In the manner hereinafter provided, to
27 establish and construct, singly or jointly with other
28 municipalities, sewer and drainage systems in the township, or
29 part thereof, and to finance and assess the cost thereof, and to
30 provide for the making of sewer constructions and the charging

1 of rental for sewerage service.

2 XXXI. Water Supply.--In the manner hereinafter provided, to
3 provide a supply of water for public or private uses in the
4 township, or part thereof, and to finance and assess the cost
5 thereof, to provide for the construction of necessary lines and
6 works therefor, and to charge and collect water rentals.

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

29 XXXIII. Public Amusements.--To regulate, by ordinance, not
30 inconsistent with State law and regulations, the time of opening

1 and closing, and the conduct of places of public entertainment,
2 amusement and recreation.

3 XXXIV. Parks and Recreation Centers.--To designate, set
4 apart, acquire by gift, devise, purchase, lease or by the
5 exercise of the right of eminent domain, supervise, operate and
6 maintain, in the manner hereinafter provided, parks,
7 playgrounds, playfields, gymnasiums, public parks, swimming
8 pools and recreation centers.

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

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

12 XXXVII. Naming of Streets; Numbering of Buildings.--To
13 provide for and regulate the naming of streets, roads and
14 highways, and to require and regulate the numbering of
15 buildings.

16 XXXVIII. Sidewalks and Footpaths.--To provide for and expend
17 moneys from the general fund of the township for the
18 construction and maintenance of sidewalks and footpaths,
19 whenever deemed necessary, for the protection of the traveling
20 public.

21 XXXIX. Transient Merchants.--To license and regulate, by
22 ordinance, transient retail merchants in the manner and to the
23 extent hereinafter provided.

24 XL. Joint Municipal Agreements.--To enter into agreements
25 with other political subdivisions, in accordance with existing
26 laws, in making joint purchases of materials, supplies or
27 equipment, and in cooperating with other political subdivisions
28 in promotion of the health of the citizens and residents of the
29 township and other political subdivisions, and in performing
30 governmental powers, duties and functions, and in carrying into

1 effect provisions of law relating to said subjects, which are
2 common to all such political subdivisions.

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

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

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

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

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

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

29 When any such consolidation, codification or revision has
30 been enacted as an ordinance, it shall not be necessary to

1 advertise the entire text thereof, but it shall be sufficient in
2 any such case, to publish a notice stating that such
3 consolidation, codification or revision, notice of the
4 introduction of which had previously been given, was finally
5 enacted.

6 The procedure set forth in this clause for the consolidation
7 or codification of township ordinances as a single ordinance may
8 also be followed in enacting a complete group or body of
9 ordinances, repealing or amending existing ordinances as may be
10 necessary in the course of preparing a consolidation,
11 codification or revision of the township ordinances, except that
12 in such case the advertisement giving notice of the introduction
13 shall list, in lieu of a table of contents, the titles only of
14 each of the ordinances in such complete group or body of
15 ordinances.

16 XLI.2. Adoption and Amendment of Codes by Reference.--To
17 adopt any ordinance by reference to a standard or nationally
18 recognized code, or to parts thereof, determined by the board,
19 or the provisions of any ordinance supplied by reference to a
20 typed or printed code, prepared under the direction of or
21 accepted by the board, or the provisions of a standard or
22 nationally recognized code, or parts thereof, and also further
23 provisions typed or printed as aforesaid: Provided, however,
24 That no portion of any code which limits the work to be
25 performed to any type of construction contractor, or labor or
26 mechanic classification shall be adopted. Such code need not be
27 advertised by publication of the full text thereof, and in place
28 of such complete advertisement, an informative notice of
29 intention to consider such proposed code, and a brief summary,
30 setting forth the principal provisions of the code in such

1 reasonable detail as will give adequate notice of its contents
2 and a reference to the place or places within the township where
3 copies of the proposed code may be examined or obtained shall be
4 published in the manner and within the time limits provided by
5 this act for publication of notice of other proposed ordinances.
6 Not less than three copies of such code, portion, or amendment
7 which is incorporated or adopted by reference, shall be filed
8 with the secretary of the township at least ten days before the
9 board considers the proposed ordinance and upon enactment kept
10 with the ordinance book, and available for public use,
11 inspection and examination.

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

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

26 XLII. Airports.--To acquire by lease or purchase or by
27 exercising the power of eminent domain, in the manner provided
28 in article ten of this act, any land lying either within or
29 without the limits of the township, which in the judgment of the
30 corporate authorities thereof, may be necessary and desirable

1 for the purpose of establishing and maintaining municipal
2 airdromes, aviation landing fields and airport facilities. The
3 title acquired by the township exercising the power of
4 condemnation shall be a title in fee simple. Any township having
5 acquired land for such purposes may establish, equip, condition,
6 operate and maintain the same as a municipal airport, airdrome,
7 landing field, or intermediate landing field, and may lease the
8 same or any part thereof, to any individual or corporation
9 desiring to use the same for aviation purposes, and may enter
10 into a contract in the form of a lease providing for the use of
11 said land, or any part thereof, by the Government of the United
12 States for the use by said Government of said land for aviation
13 purposes upon nominal rental or without consideration.

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

25 XLIII. Police Protection Districts; Assessments.--To provide
26 police protection and promote the public safety, health,
27 convenience and welfare of its citizens the board of township
28 supervisors is hereby empowered, with the approval of the
29 township auditors, on petition of a majority of the property
30 owners of any territory within the township, to designate,

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

1 supervisors, they shall be placed in the hands of the township
2 solicitor for collection. The solicitor shall collect the same
3 together with five per centum (5%) as attorney's commission, and
4 interest from the date such assessments were due, by a municipal
5 claim filed against the property of the delinquent owner in like
6 manner as municipal claims are by law filed and collected. Where
7 an owner has two or more lots against which there is an
8 assessment for the same year all such lots shall be embraced in
9 one claim. All assessments, when collected, shall be paid over
10 to the township treasurer, who shall receive and shall keep the
11 same in a separate account, and pay out the same only upon
12 orders signed by the chairman of the township supervisors,
13 attested by the secretary. The tax collector and the treasurer
14 shall make a report to the auditors of the township annually.

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

29 XLV. Appointment of Accountant.--To employ a certified
30 public accountant registered in Pennsylvania, a firm of

1 certified public accountants so registered or a competent public
2 accountant or a competent firm of public accountants to be
3 appointed by the court of common pleas at least thirty days
4 prior to the close of the fiscal year to audit the accounts of
5 the township and the township officers, if a petition has been
6 presented to the supervisors by at least twenty-five taxpayers
7 of the township asking for such appointment. The amount paid to
8 the accountant or firm in any year shall not exceed the maximum
9 allowed by law to be paid to the township auditors in such year,
10 unless the payment of an additional amount is approved by the
11 court. When an accountant or firm is appointed as herein
12 provided, the township auditors shall not audit, settle or
13 adjust the accounts audited by such appointee but shall perform
14 the other duties of their office. After the initial appointment,
15 the township supervisors may, at their discretion, continue to
16 employ the court-appointed accountant or firm on an annual basis
17 by ordinance or resolution passed prior to the close of the
18 fiscal year.

19 When an accountant or firm is employed under the provisions
20 of this clause, the accountant or firm shall have the powers
21 given to the auditors under sections 545, 546 and 551 of this
22 act, except the power to fix compensations authorized in section
23 515, and referred to in section 545 of this act. They shall
24 perform the duties of the auditors as provided in section 547.
25 They shall be subject to the same penalties to which the
26 auditors are subject under section 549.

27 The report of the accountant or firm is subject to appeals
28 the same as reports of auditors under sections 553, 554, 555,
29 556, 557, 558, 559, 560, 561, 562 and 563 of this act.

30 XLV.1. Independent Audit.--For the purpose of meeting

1 Federal or State requirements, to contract with or employ an
2 independent public accountant for the purpose of preparing or
3 conducting a report or audit of the fiscal affairs of the
4 township, independent of that conducted by the elected township
5 auditors.

6 XLVI. Ambulances and Rescue and Life Saving Services.--To
7 acquire and to operate and maintain motor vehicles for the
8 purposes of conveying sick and injured persons of such townships
9 and the vicinity to and from hospitals, and for such purposes to
10 appropriate and expend moneys of the township or to appropriate
11 money annually towards ambulance and rescue and life saving
12 service, and to enter into contracts relating thereto. All
13 appropriations of money heretofore made and contracts heretofore
14 entered into by any township for such service are hereby
15 validated and confirmed.

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

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

29 XLIX. Fire Houses.--To provide and maintain suitable places
30 for the housing of engines, hose carts and other apparatus for

1 the extinguishment of fire.

2 L. Building and Housing Regulations.--To prohibit or
3 regulate the erection of wooden buildings and housing in certain
4 parts of the township, and make regulations for the construction
5 of new buildings and housing and the alteration and repair of
6 old ones, and to require that before the work begins, municipal
7 approval of the plans and specifications therefor be secured; to
8 classify buildings and housing or parts of buildings and housing
9 according to the use to be made of them; to specify the mode of
10 construction of such different classes of buildings and housing;
11 and to require that before any use or occupancy be changed from
12 any classification to a different classification, as to which
13 more stringent regulations are prescribed under the provisions
14 of any ordinance relating thereto, municipal approval of the
15 plans and specifications therefor be secured.

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

1 penalties provided by ordinances enacted hereunder, may
2 institute appropriate actions or proceedings at law or in equity
3 to prevent and restrain such unlawful construction,
4 reconstruction, alteration, repairs, conversion, maintenance, or
5 use, and to restrain, correct or abate such violation, and to
6 prevent the occupancy of said building, housing or structure.
7 The ordinances enacted pursuant to this clause shall not be
8 inconsistent with the provisions of any statute governing the
9 same matter, but all regulations prescribed by such ordinances
10 which are additional or supplementary to the statute law and not
11 inconsistent therewith, or enacted for the purpose of carrying
12 into effect the provisions of the statute law, shall be valid
13 and binding. Such ordinances may adopt any standard building
14 code and any standard housing code published and printed in book
15 form covering any or all of the above items without
16 incorporating such building code and housing code in the
17 ordinance, or any township may enact such building code and
18 housing code as its ordinance authorized under the provisions of
19 this clause. In either event, such building code and housing
20 code shall not be published or advertised in full as provided by
21 this section in the case of the adoption of ordinances:
22 Provided, That notice of the adoption of such standard building
23 code and such standard housing code as the building ordinance
24 and the housing ordinance of the township, together with a brief
25 summary thereof setting forth the principal provisions of said
26 ordinance in such reasonable detail as will give adequate notice
27 of its contents, pursuant to a uniform form which shall be
28 prepared or approved by the Department of Labor and Industry,
29 and a reference to the place or places within the township where
30 copies of the building code and copies of the housing code

1 adopted are deposited and may be examined, shall be published in
2 the manner provided by this section for the publication of
3 ordinances. Not less than three such copies shall be made
4 available to public inspection and use during business hours for
5 a period of not less than three months after the adoption of
6 such building code and such housing code.

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

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

21 LIV. Township Seals.--To adopt a seal which shall contain
22 the name of the township and the word "seal," and which shall be
23 in the custody of the township supervisors. The official acts of
24 the supervisors shall be authenticated therewith, and the seal
25 shall have the same effect when used for such authentication as
26 the seal of a notary public.

27 LV. Creation of Capital Reserve Fund for Anticipated Capital
28 Expenditures.--To create and maintain a separate capital reserve
29 fund for any anticipated legal capital expenditures, which fund
30 shall be designated for a specific purpose or purposes at the

1 time of its creation. The money in the fund shall be used, from
2 time to time, for the construction, purchase or replacement of
3 or addition to municipal buildings, equipment, machinery, motor
4 vehicles or other capital assets of the township as specified at
5 the time of the creation of the fund and for no other purpose:
6 Provided, That it may be used for capital expenditure other than
7 the purpose or purposes specified at the time it was created, if
8 the supervisors by a unanimous vote shall declare that the
9 original purpose or purposes have become impracticable,
10 inadvisable or impossible, or that conditions have arisen in the
11 township which make other capital expenditures more urgent than
12 those for which the fund was created.

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

25 LVI. Contributions for Industrial Promotion.--To make
26 appropriations to an industrial development agency.

27 LVII. Appropriations for Community Nursing Services.--To
28 appropriate money annually towards any nonprofit associations or
29 corporations which provide community nursing services, in
30 recognition of their services in the control of communicable

1 disease, the immunization of children, the operation of child
2 health centers (Well-Baby Clinics), instructive visits to
3 parents of new babies beginning in the prenatal period and
4 family health guidance, including nutrition, detection and
5 correction of defects.

6 LVIII. Junk Dealers and Junk Yards.--To regulate and license
7 junk dealers and the establishment and maintenance of junk yards
8 and scrap yards including, but not limited to, automobile junk
9 or grave yards and to prescribe license fees therefor not to
10 exceed two hundred dollars per year.

11 LIX. Appropriations for Handling, Storage and Distribution
12 of Surplus Foods.--The board of township supervisors of any
13 township may appropriate from township funds moneys for the
14 handling, storage and distribution of surplus foods obtained
15 either through a local, State or Federal agency.

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

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

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

30 LXII. General Powers.--To make and adopt all such

1 ordinances, by-laws, rules and regulations not inconsistent with
2 or restrained by the Constitution and laws of this Commonwealth
3 as may be deemed expedient or necessary for the proper
4 management, care and control of the township and its finances
5 and the maintenance of peace, good government and welfare of the
6 township and its trade, commerce and manufactures.

7 LXIII. To appropriate moneys to assist any city, borough,
8 town, township or other political subdivision or municipality
9 airport authority to acquire, establish, operate and maintain
10 any and all air navigation facilities lying either within or
11 without the limits of the township.

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

24 Included in the cost of the issue may be any costs and
25 expenses incident to constructing and financing the facilities
26 and selling and distributing the bonds.

27 LXIV. Appropriations for Urban Common Carrier Mass
28 Transportation.--To appropriate funds for urban common carrier
29 mass transportation purposes from current revenues and to make
30 annual contributions to county departments of transportation or

1 to urban common carrier mass transportation authorities to
2 assist the departments or the authorities to meet costs of
3 operation, maintenance, capital improvements, and debt service,
4 and to enter into long-term agreements providing for the payment
5 of the said contributions.

6 LXV. Appropriations for Mental Health Centers.--To
7 appropriate money annually towards any nonprofit association or
8 corporation which operates or conducts a mental health center.

9 LXVI. Community Development.--To undertake community
10 development programs, including but not limited to urban
11 renewal, public housing, model cities programs and neighborhood
12 development projects.

13 LXVII. To appropriate money annually towards any nonprofit
14 association or corporation which operates or conducts a library
15 within the township or to enter into contracts with or to make
16 grants to the proper authorities of near or adjacent cities,
17 boroughs, or townships for the furnishing of library service to
18 the township.

19 LXVIII. Appropriations for Observances and Celebrations.--To
20 appropriate annually an amount for the observance of holidays,
21 centennials or other anniversaries or for township celebrations
22 or civic projects or programs.

23 LXIX. Building Hospitals.--To appropriate not exceeding one
24 dollar (\$1) per township resident per year toward the
25 maintenance and/or support of any medical center or hospital
26 building and further appropriate from such funds toward the
27 purchase and/or erection of medical or hospital facilities.
28 Where the total cost of such purchase or erection exceeds one
29 hundred thousand dollars (\$100,000), it will necessitate
30 approval by the appropriate health planning agency. The number

1 of residents shall be determined from the latest decennial
2 Federal Census.

3 LXX. Appropriations to Tourist Promotion Agencies.--To
4 appropriate annually, such amount of money but not in excess of
5 ten cents (10¢) for each resident of the township, as determined
6 by the latest official census, which may be deemed necessary, to
7 any "tourist promotion agency," as defined in the act of April
8 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law,"
9 to assist such agencies in carrying out tourist promotional
10 activities.

11 LXXI. Sale of Real Property to Nonprofit Medical Service
12 Corporation.--To sell township owned real property to a
13 nonprofit medical service corporation for its exclusive use as a
14 site for a medical service facility.

15 LXXII. Sale of Real Property to Nonprofit Housing
16 Corporation.--To sell township-owned real property to a
17 nonprofit housing corporation for its exclusive use for housing
18 for the elderly.

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

1 LXXIV. Recreational Programs.--In addition to the other
2 purposes for which funds may be expended pursuant to the act of
3 December 10, 1974 (P.L.865, No.292), the funds may be expended
4 for recreational programs not directly sponsored by the
5 township.

6 LXXV. Appropriations for Neighborhood Crime Watch
7 Programs.--To appropriate annually, solely at the discretion of
8 the township supervisors, an amount toward a neighborhood crime
9 watch program. Notwithstanding any other provision of law, no
10 township or official thereof shall become subject to
11 contractual, tort or other liability as a result of having made
12 an appropriation pursuant to this clause.]

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

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

25 Section 1507. Intergovernmental Cooperation.--The board of
26 supervisors may, by ordinance, make agreements with other
27 municipal corporations in performing governmental powers, duties
28 and functions and in carrying into effect provisions of the act
29 of July 12, 1972 (P.L.762, No.180), referred to as the
30 Intergovernmental Cooperation Law.

1 Section 1508. Capital Reserve Fund.--(a) The board of
2 supervisors may create and maintain a separate capital reserve
3 fund for any anticipated capital expenses, which fund shall be
4 designated for a specific purpose or purposes when created. The
5 moneys in the fund shall be used for no other purpose unless the
6 board of supervisors declares that conditions in the township
7 make other expenses more urgent than those for which the fund
8 was created.

9 (b) The board of supervisors may appropriate moneys from the
10 general township funds to be paid into the capital reserve fund
11 or place in the fund any moneys received from the sale, lease or
12 other disposition of any township property or from any other
13 source.

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

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

23 Section 1511. Township Seals.--The board of supervisors may
24 adopt a seal which contains the name of the township and the
25 word "seal" and which shall be in the custody of the township
26 secretary or manager. The official acts of the board of
27 supervisors may be authenticated by use of the seal. The seal
28 has the same effect as the seal of a notary public.

29 Section 1512. Insurance.--(a) The board of supervisors
30 shall secure workers' compensation insurance for its employes,

including volunteer firemen and volunteer ambulance and rescue personnel of companies duly recognized by the township by resolution, killed or injured in the course of their appointed functions or while performing any other duties expressly authorized by the board of supervisors.

(b) The board of supervisors may contract with any insurance company to insure property owned by the township.

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

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

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

(2) Any insurance coverage contract made by a township between January 1, 1959, and March 31, 1985, that includes or provides coverage for elected officials, except under section 606, or appointed township officials who are not employes of the

township are not void or unlawful solely because the inclusion of those officials was subsequently found to be without lawful authority. No penalty, assessment, surcharge, forfeiture or disciplinary action of any kind may occur as a result of participation by those officials. Insurance benefits payable to 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

1 the township-paid interest of the elected or appointed township
2 officials is the exclusive property of the township.

3 (4) If an elected official, except supervisors under section
4 606, or an appointed official who is not an employe of the
5 township personally contributed toward a township-sponsored
6 pension plan or annuity, he shall receive a refund of his total
7 contributions thereto plus any interest accumulated thereon. In
8 lieu of a refund of contributions plus accumulated interest, a
9 township official who personally contributed toward a pension or
10 annuity plan in which he participated may elect to purchase that
11 portion of his pension or annuity funded by the township. A
12 qualified actuary, who shall report his determination under the
13 act of December 18, 1984 (P.L.1005, No.205), known as the
14 "Municipal Pension Plan Funding Standard and Recovery Act,"
15 shall determine the amount the official shall pay to the
16 township to purchase the township-funded portion of the annuity
17 or pension.

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

1 Section 1514. Airports.--(a) The board of supervisors may
2 acquire by grant, lease, purchase or, where appropriate, eminent
3 domain any property located inside or outside the boundaries of
4 the township which, in the judgment of the board of supervisors,
5 may be necessary to establish and maintain municipal airport
6 facilities. Any township having acquired land for those purposes
7 may establish, equip, condition, operate and maintain the
8 property as a municipal airport, may lease all or part of the
9 property to any individual or corporation desiring to use the
10 property for aviation purposes and may contract in the form of a
11 lease of all or part of the property by the Federal Government
12 for aviation purposes upon nominal rental or without
13 consideration.

14 (b) The board of supervisors may acquire by lease or
15 purchase land for aviation purposes jointly with any county or
16 municipal corporation of this Commonwealth and operate and
17 maintain the municipal airport jointly with any county or
18 municipal corporation of this Commonwealth upon terms and
19 conditions as may be agreed upon between the proper authorities
20 of the county or municipal corporation.

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

29 Section 1516. Land Use Regulations.--The board of
30 supervisors may plan for the development of the township through

1 zoning, subdivision and land development regulations under the
2 act of July 31, 1968 (P.L.805, No.247), known as the
3 "Pennsylvania Municipalities Planning Code."

4 Section 1517. Building and Housing Regulations.--The board
5 of supervisors may enact and enforce ordinances to govern and
6 regulate the construction, alteration, repair, occupation,
7 maintenance, sanitation, lighting, ventilation, water supply,
8 toilet facilities, drainage, use and inspection of all buildings
9 and housing constructed, erected, altered, designed or used for
10 any use or occupancy and the sanitation and inspection of land.
11 If any building and housing or structure is constructed,
12 reconstructed, altered, repaired, converted or maintained or any
13 building, housing or land is used in violation of any ordinance
14 enacted under this section, the board of supervisors, in
15 addition to penalties provided by the ordinances, may institute
16 appropriate actions or proceedings at law or in equity to
17 prevent and restrain the unlawful construction, reconstruction,
18 alteration, repair, conversion, maintenance or use, to restrain,
19 correct or abate the violation and to prevent the use or
20 occupancy of the building, housing or structure.

21 Section 1518. Building and Housing Inspectors.--The board of
22 supervisors may appoint one or more building and housing
23 inspectors to enforce the building and housing regulations of
24 the township and for the inspection of the construction,
25 alteration, repair and sanitation facilities of buildings and
26 housing in the township.

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

30 Section 1520. Numbering of Buildings.--The board of

1 supervisors may, by ordinance, require and regulate the
2 numbering of buildings.

3 Section 1521. Insect, Pest and Vector Programs.--The board
4 of supervisors may appropriate moneys toward insect, pest and
5 vector programs.

6 Section 1522. Sewage Treatment Facilities Regulations.--The
7 board of supervisors may, by ordinance, make regulations
8 respecting the installation of individual or community sewage
9 treatment facilities under the act of January 24, 1966 (1965
10 P.L.1535, No.537), known as the "Pennsylvania Sewage Facilities
11 Act."

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

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

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

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

30 Section 1527. Public Safety.--The board of supervisors may

1 adopt ordinances to secure the safety of persons or property
2 within the township and to define disturbing the peace within
3 the limits of the township.

4 Section 1528. Ambulances and Rescue and Life Saving
5 Services.--The board of supervisors may acquire, operate and
6 maintain motor vehicles for the purposes of conveying persons to
7 and from hospitals, and it may appropriate moneys toward
8 ambulance and rescue and life saving service and make contracts
9 relating thereto.

10 Section 1529. Nuisances.--The board of supervisors may, by
11 ordinance, prohibit nuisances, including, but not limited to,
12 the storage of abandoned or junked automobiles, on private and
13 public property and the carrying on of any offensive manufacture
14 or business.

15 Section 1530. Regulation of Dogs.--The board of supervisors
16 may, by ordinance, prohibit and regulate the running at large of
17 dogs.

18 Section 1531. Animal Shelters.--The board of supervisors may
19 appropriate moneys to foster, encourage or assist the operation
20 of humane societies, animal shelters or animal control centers
21 or programs.

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

29 (1) The licensing and regulation of all transient merchants
30 conducting business within the township, except farmers selling

their own produce, or to any sale of goods, wares or merchandise donated by the owners thereof, the proceeds of which are to be applied to any charitable or philanthropic purpose, or the imposition or collection of any license fee upon insurance companies or their agents or insurance brokers authorized to transact business under the insurance laws of this Commonwealth.

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

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

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

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

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

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

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

3 (2) Grant permits for supervised public displays of
4 fireworks and adopt rules and regulations governing the
5 displays.

6 (3) By ordinance, adopt rules and regulations not
7 inconsistent with State regulations relating to the storage of
8 inflammable articles.

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

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

20 Section 1536. Cemeteries.--(a) The board of supervisors
21 may, by ordinance, make rules and regulations regarding the
22 location, operation and maintenance of cemeteries in the
23 township.

24 (b) When any cemetery or burial ground is abandoned or is
25 being neglected, the board of supervisors may give notice to the
26 owner directing the removal of weeds, refuse and debris from the
27 cemetery within thirty days. If the removal is not completed
28 within thirty days after the notice, the board of supervisors
29 shall provide for the removal to be done by employes of the
30 township or persons hired for that purpose at the expense of the

1 township. The board of supervisors may not spend more than one
2 thousand dollars (\$1,000) annually on any one cemetery. All
3 costs of removal shall be assessed against the owner of the
4 cemetery, if known, and collected under section 3302(b).

5 (c) If the owner of a cemetery is unknown or inaccessible,
6 the board of supervisors may spend not more than one thousand
7 dollars (\$1,000) annually for the maintenance of that cemetery.
8 The cemetery shall remain open to the public under the
9 regulation and control of the board of supervisors.

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

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

19 Section 1539. Libraries.--The board of supervisors may
20 appropriate moneys toward any nonprofit association or
21 corporation which operates or conducts a library or contract
22 with or make grants to counties or municipal corporations for
23 the furnishing of library service to the township.

24 Section 1540. Observances and Celebrations.--The board of
25 supervisors may appropriate moneys for the observance of
26 holidays, centennials or other anniversaries or for township
27 celebrations or civic projects or programs.

28 Section 1541. Historical Property.--The board of supervisors
29 may acquire by purchase or by gift, repair, supervise, operate
30 and maintain ancient landmarks and other property of historical

1 or antiquarian interest and make appropriations to nonprofit
2 associations or corporations organized to acquire and maintain
3 historical properties.

4 Section 1542. Community Development.--The board of
5 supervisors may undertake community development programs,
6 including, but not limited to, urban renewal, public housing,
7 model cities programs and neighborhood development projects.

8 Section 1543. Industrial Promotion.--The board of
9 supervisors may make appropriations to an industrial development
10 agency.

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

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

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

6 Section 1547. Public Rewards.--The board of supervisors may
7 offer rewards for the arrest and conviction of persons who
8 commit capital or other crimes within the township or for the
9 violation of any township ordinance.

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

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

30 B. The township supervisors may or, upon the petition of a

1 number of electors of the township equal to at least twenty-five
2 per centum of the highest number of votes for a public office of
3 the township at the last preceding municipal election, shall
4 adopt a resolution directing the county board of elections to
5 place a referendum question on the ballot for the primary or
6 general election, with respect to the conducting of live horse
7 race meets by licensed corporations within the township. The
8 question shall be in the following form:

9 Shall live horse race meets conducted by licensed
10 corporations be prohibited within the area of fifty air
11 miles from the center of an existing, currently licensed
12 racetrack?

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

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

28 (b) The township supervisors may, or upon the petition of a
29 number of electors of the township equal to at least twenty-five
30 percent of the highest number of votes for a public office of

1 the township at the last preceding municipal election shall,
2 adopt a resolution directing the county board of elections to
3 place a referendum question on the ballot for the primary or
4 general election, with respect to the conducting of live horse
5 race meets by licensed corporations within the township. The
6 question shall be in the following form:

7 Shall live horse race meets conducted by licensed
8 corporations be prohibited within the area of fifty air
9 miles from the center of an existing, currently licensed
10 racetrack?

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

13 ARTICLE XVI

14 ORDINANCES

15 Section 1601. Ordinances.--(a) The board of supervisors may
16 adopt ordinances in which general or specific powers of the
17 township may be exercised and, by the enactment of subsequent
18 ordinances, the board of supervisors may amend, repeal or revise
19 existing ordinances. All proposed ordinances, whether original,
20 amended, repealed, revised, consolidated or codified, shall be
21 published not more than sixty days nor less than seven days
22 before passage at least once in one newspaper circulating
23 generally in the township. Public notices shall include either
24 the full text or a brief summary of the proposed ordinance which
25 lists the provisions in reasonable detail and a reference to a
26 place within the township where copies of the proposed ordinance
27 may be examined. If the full text is not included, a copy shall
28 be supplied to the publishing newspaper when the notice is
29 published, and an attested copy shall be filed within thirty
30 days after enactment in the county law library or other county

1 office designated by the county commissioners, who may impose a
2 fee no greater than that necessary to cover the actual costs of
3 storing the ordinances. If substantial amendments are made in
4 the proposed ordinance, before voting upon enactment, the board
5 of supervisors shall, at least ten days before enactment,
6 readvertise in one newspaper of general circulation in the
7 township a brief summary setting forth all the provisions in
8 reasonable detail together with a summary of the amendments.
9 Ordinances shall be recorded in the ordinance book of the
10 township and are effective five days after adoption unless a
11 date later than five days after adoption is stated in the
12 ordinance.

13 (b) When maps, plans or drawings of any kind are adopted as
14 part of an ordinance, instead of publishing them as part of the
15 ordinance, the board of supervisors may refer in publishing the
16 ordinance to the place where the maps, plans or drawings are on
17 file and may be examined.

18 (c) The board of supervisors may prescribe fines and
19 penalties not exceeding one thousand dollars (\$1,000) for a
20 violation of a building, housing, property maintenance, health,
21 fire or public safety code or ordinance and for water, air and
22 noise pollution violations, and not exceeding six hundred
23 dollars (\$600) for a violation of any other township ordinance,
24 which fines and penalties may be collected by suit or summary
25 proceeding brought in the name of the township before any
26 district justice. Proceedings for the violation of township
27 ordinances and for the collection of fines and penalties imposed
28 thereby may be commenced by warrant or by summons. No warrant
29 shall be issued except upon complaint on oath or affirmation
30 specifying the ordinance for the violation of which the warrant

1 is issued. All fines and penalties collected for the violation
2 of township ordinances shall be paid over to the township
3 treasury. Upon judgment against any person by summary conviction
4 or by proceedings by summons, in addition to being required to
5 pay the fines and penalties and costs, the defendant may be
6 sentenced to imprisonment for not more than ninety days or to
7 public service or other adjudication alternative programs under
8 42 Pa.C.S. § 1520 (relating to adjudication alternative
9 program).

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

26 (e) In the same manner as other ordinances, the board of
27 supervisors may adopt, by reference to a standard or nationally
28 recognized code in a township ordinance, all or any portion of
29 the code as an ordinance of the township. No portion of any code
30 which limits the work to be performed to any type of

construction contractor or labor or mechanic classification shall be adopted. Copies of the proposed code or portion or amendment shall be filed with the township secretary at least ten days before the board of supervisors considers the proposed ordinance and, upon enactment, kept with the ordinance book and available for public use, inspection and examination.

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

ARTICLE XVII

PUBLIC BUILDINGS

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

Section 1702. Use of Public Land Acquired for Other Purposes.--When the board of supervisors desires to take any public lands previously granted or dedicated to a use or purpose for which they are no longer used, it shall pass an ordinance declaring its intention and shall petition the court of common pleas for leave to file the bond of the township to secure any person or persons who may be entitled to compensation for the taking. The court shall direct notice to be given by publication in at least one newspaper circulating generally in the township. The court may increase the amount of the bond, shall hear all exceptions that are filed against the petition and the

1 sufficiency of the bond and may grant or deny the request of the
2 petition. Upon the granting of the petition and the approval of
3 the bond, the board of supervisors may enter lands for the
4 purposes of erecting public buildings. The bond, which shall be
5 in the name of the Commonwealth for the use of any person or
6 persons who are entitled to damages by reason of the taking of
7 the lands, shall remain on file for their use and benefit.

8 Section 1703. How Damages Are Assessed.--The compensation
9 and damages arising from taking, using and appropriating private
10 or public property for township purposes shall be ascertained,
11 determined, awarded and paid under this act for eminent domain
12 proceedings.

13 Section 1704. Garages and Warehouses.--The board of
14 supervisors may purchase or lease land inside or outside the
15 limits of the township and erect garages, warehouses or other
16 buildings as may be necessary for handling and storing
17 equipment, materials and supplies.

18 ARTICLE XVIII

19 FIRE PREVENTION AND PROTECTION

20 Section 1801. Authority of Board of Supervisors.--The board
21 of supervisors may provide for fire protection within the
22 township.

23 Section 1802. Fire Hydrants and Water Supply.--(a) The
24 board of supervisors may place, replace, operate, maintain and
25 repair or contract with water companies or municipal authorities
26 for the placing, replacing, operating, maintaining and repairing
27 of fire hydrants to water mains within the township or provide
28 for or acquire a water supply system equipped to supply
29 sufficient water for the protection of property from fire. The
30 moneys necessary for providing or acquiring these fire

1 protection services may be obtained by one of the following
2 methods:

3 (1) The board of supervisors may annually assess the cost of
4 fire protection by an equal millage assessment upon all
5 property, whether or not exempt from taxation by existing law,
6 within seven hundred and eighty feet of any fire hydrant based
7 upon the assessment of property for county tax purposes.

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

19 (3) The board of supervisors may pay the cost for fire
20 protection out of the general township fund. If the board of
21 supervisors elects to pay the cost of fire protection services
22 out of the general fund, any special fire protection districts
23 and annual assessments shall be abolished. All moneys in the
24 separate accounts for the special fire protection districts
25 shall be paid into the general fund.

26 (b) When assessments are made under this section, no
27 assessment shall be made against any farmland, but vacant lots
28 between built-up sections, either tilled or not tilled, are not
29 farmland.

30 (c) All assessments for fire protection shall be collected

1 by the tax collector under section 3301(a).

2 (d) The assessment may be billed on the annual real estate
3 tax bill for township purposes if authorized by the board of
4 supervisors.

5 Section 1803. Fire Companies and Facilities.--(a) The board
6 of supervisors may appropriate moneys for the use of the
7 township or to fire companies located in the township for the
8 operation and maintenance of fire companies, for the purchase
9 and maintenance of fire apparatus and for the construction,
10 repair and maintenance of fire company houses in order to secure
11 fire protection for the inhabitants of the township. The fire
12 companies shall submit to the board of supervisors an annual
13 report of the use of the appropriated moneys for each completed
14 year of the township before any further payments may be made to
15 the fire companies for the current year.

16 (b) The board of supervisors may, by ordinance, make rules
17 and regulations for the government of fire companies which are
18 located within the township and their officers.

19 (c) The board of supervisors may contract with or make
20 grants to near or adjacent municipal corporations or volunteer
21 fire companies therein for fire protection in the township.

22 (d) No volunteer fire company not in existence in the
23 township before the effective date of this act may organize or
24 operate unless the establishment or organization is approved by
25 resolution of the board of supervisors.

26 Section 1804. Ponds, Dams or Impoundments for Fire
27 Protection.--The board of supervisors may construct or
28 contribute moneys for, or participate in the construction of,
29 ponds, dams or other impoundments to provide water for fire
30 protection for the township.

1 Section 1805. Fire Prevention Code.--The board of
2 supervisors may adopt any standard fire prevention code
3 published and printed in book form as provided under this act
4 for adopting standard codes.

5 Section 1806. Prohibition of Fire-Producing Devices in
6 Certain Retail Stores.--The board of supervisors may, by
7 ordinance, prohibit the smoking or carrying of lighted
8 cigarettes, cigars, pipes or matches and the use of matches or
9 fire-producing devices in retail stores arranged to accommodate
10 one hundred persons or more or which employ ten or more
11 employees. Any ordinance passed under this section may not
12 prohibit smoking in any restaurant room, rest room, beauty
13 parlor, executive office or any room designated for smoking in
14 those stores.

15 ARTICLE XIX

16 TOWNSHIP POLICE

17 Section 1901. Creating or Disbanding Police Force.--The
18 board of supervisors may, by resolution, create or disband a
19 police force within the township or, upon the petition of not
20 less than twenty-five registered electors or taxpayers of the
21 township, appoint police officers.

22 Section 1902. Appointment of Police.--The board of
23 supervisors shall provide for the organization and supervision,
24 and determine the number and the compensation, of the police
25 officers. The chairman of the board of supervisors may swear in
26 police officers. The board of supervisors may assign any police
27 officer to undergo a course of training at any training school
28 for police officers established or made available by the Federal
29 or State Government and provide for payment of the officer's
30 expenses while in attendance at the training school.

1 Section 1903. Contracts to Secure Police Service.--Any
2 township may contract with any municipal corporation to secure
3 the services within the township of the police of the municipal
4 corporation. When any contract is made, the police officers of
5 the employing municipal corporation have all the powers and
6 authority conferred by law on police officers in the township
7 which has contracted to secure police service.

8 Section 1904. Contract to Provide Police Service.--Any
9 township may contract with any municipal corporation to provide
10 police services within the other municipal corporation. When a
11 contract is made, the township police have all the powers and
12 authority conferred by law on police in the municipal
13 corporation which has contracted to secure police service.

14 Section 1905. Powers.--Each township police officer has
15 those powers and abilities as are granted to police officers
16 under the laws of this Commonwealth or the rules of the Supreme
17 Court or the ordinances of the township for which a fine or
18 penalty is imposed unless otherwise excepted in this act.

19 Section 1906. Shield.--Each police officer, when on duty,
20 shall wear a shield or badge with the words "township police"
21 and the name of the township inscribed thereon.

22 Section 1907. Equipment.--The board of supervisors may
23 provide each police officer with a uniform, equipment and means
24 of transportation and the maintenance thereof.

25 Section 1908. Lockups.--The board of supervisors may provide
26 lockup facilities.

27 Section 1909. Certain Compensation Prohibited.--No police
28 officer may charge or accept any fee or other compensation in
29 addition to the salary paid by the township for any service
30 rendered or performed by the police officer, except public

1 rewards.

2 Section 1910. Police Pension Fund.--(a) In those townships
3 maintaining police forces of less than three full-time police
4 officers, the board of supervisors may, by ordinance or
5 resolution, establish a police pension fund or pension annuity
6 into which each member of the police force may be required to
7 pay a member contribution of an equal and proportionate charge
8 which, except to the extent that section 607(c) of the act of
9 December 18, 1984 (P.L.1005, No.205), known as the "Municipal
10 Pension Plan Funding Standard and Recovery Act," applies, shall
11 not exceed annually three percent of the pay of the member.

12 (b) The fund shall be under the direction of the board of
13 supervisors for the benefit of members of the police force who
14 receive honorable discharge therefrom by reason of age or
15 disability and the families of members who may be injured or
16 killed in the service. Any allowances made to those who are
17 retired by reason of disability or age shall be in conformity
18 with a uniform scale.

19 (c) The ordinance or resolution establishing the police
20 pension fund shall prescribe a minimum period of continuous
21 service of not less than twenty years, after which the members
22 of the force may be retired from active duty. Township police
23 officers so retired may be subject to service as police reserves
24 until unfit for service by reason of age or disability, when
25 they may be finally discharged.

26 (d) The basis of the apportionment of the pension is
27 determined by the rate of monthly pay of the member at the date
28 of death, honorable discharge or retirement.

29 (e) Payments made on account of police pensions are a charge
30 on no fund of the township other than the police pension fund.

1 (f) Townships shall make contributions to the police pension
2 fund in an amount sufficient to meet the minimum obligation of
3 the municipality with respect to the pension plan pursuant to
4 the "Municipal Pension Plan Funding Standard and Recovery Act,"
5 and may take by gift, grant, devise or bequest any money or
6 property in trust for the benefit of the police pension fund.
7 The care, management, investment and disposal of trust funds or
8 property is vested in the board of supervisors subject, whenever
9 possible or practical, to any directions for administration
10 which the donors of the funds and property may prescribe.

11 (g) A person participating in the police pension fund and
12 entitled to receive a benefit therefrom may not be deprived of
13 his right to an equal and proportionate share therein except for
14 the following causes: conviction of a crime or misdemeanor or
15 failing to comply with some general regulation relating to the
16 management of the fund, which may be made by ordinance or
17 resolution and which provides that a failure to comply therewith
18 terminates the right to participate in the pension fund after
19 notice and hearing as it prescribes.

20 (h) Police pension funds of townships with a police force of
21 three or more full-time officers are governed by the act of May
22 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal
23 Police Pension Law.

24 Section 1911. Police Protection Districts.--On petition of a
25 majority of the property owners of any territory within the
26 township, the board of supervisors may designate the territory
27 as a district for the purpose of providing police protection.
28 The board of supervisors may annually assess the cost of the
29 maintenance of the police protection by an equal assessment on
30 all property benefited by the protection in proportion to the

1 number of feet the property fronts on the street or highway or
2 portion thereof to be protected. The board of supervisors may
3 provide for an equitable reduction from the frontage of lots at
4 intersections or where, due to the irregular shape of lots, an
5 assessment of the full frontage would be inequitable. No
6 assessment shall be made against any farmland, but vacant lots
7 between built-up sections, whether tilled or not tilled, are not
8 farmland. The assessment for each foot front against vacant lots
9 shall be only twenty-five percent of the assessment for each
10 foot front against property with improvements. All assessments
11 for police protection shall be filed with the township tax
12 collector under section 3301(a).

13 Section 1912. Removal of Police Officers.--No person
14 employed as a regular full-time police officer in any police
15 department, except officers appointed for a probationary period
16 of one year or less, shall be suspended, removed or reduced in
17 rank except under the act of June 15, 1951 (P.L.586, No.144),
18 entitled "An act regulating the suspension, removal, furloughing
19 and reinstatement of police officers in boroughs and townships
20 of the first class having police forces of less than three
21 members, and in townships of the second class."

22 Section 1913. Auxiliary Police.--The board of supervisors
23 may confirm persons to serve as auxiliary police officers under
24 the act of January 14, 1952 (P.L.2016, No.561), entitled "An act
25 providing for supplementing the police forces of cities,
26 boroughs, towns and townships, for the appointment, powers and
27 control of auxiliary police therein, and for the transfer during
28 disasters and emergencies of such auxiliary police, members of
29 the regular police forces, and police equipment thereof."

30 Section 1914. Special Fire Police.--The board of supervisors

1 may confirm any members of a volunteer fire company to serve as
2 special fire police under the act of June 18, 1941 (P.L.137,
3 No.74), entitled, as amended, "An act providing for the
4 appointment, powers and control of members of volunteer fire
5 companies as special fire police, and conferring powers on them
6 at fires attended by their fire companies in any city, borough,
7 town, township or home rule municipality."

8 Section 1915. Special School Police.--(a) Upon request of
9 the board of school directors of a school district located
10 wholly or partially within the township, the board of
11 supervisors, by resolution, may appoint special school police to
12 control and direct traffic at or near schools. The officers
13 shall be in uniform and display a badge or other sign of
14 authority, and they have all the power of local police officers.
15 Special school police serve at the pleasure of the board of
16 supervisors and are not eligible to join any police pension fund
17 maintained for the township police. The board of supervisors
18 shall determine the compensation of special school police, to be
19 paid by the township or jointly by the township and the school
20 district in a ratio to be determined by the two boards. If the
21 township and school district cannot determine the ratio of
22 compensation to be paid by each board, each board shall pay one-
23 half of the compensation of the police.

24 (b) The board of supervisors may create an educational
25 service agency under section 402.1 of the act of December 5,
26 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
27 "Unemployment Compensation Law," to provide special school
28 police service to one or more educational institutions by the
29 school crossing guards appointed in conjunction with the school
30 district. The educational service agency shall serve as the

1 agency for management and control of the school crossing guards.

2 ARTICLE XX

3 STREET LIGHTS

4 Section 2001. Lighting.--The board of supervisors may light
5 and illuminate the highways, roads and other public places of
6 the township and remove, alter or improve lighting as may be
7 appropriate and in the best interests of the township and make
8 contracts for securing and maintaining a supply of light.

9 Section 2002. Street Light Districts.--(a) The board of
10 supervisors may provide street lights and make regulations
11 therefor within the township or within any district of the
12 township established by the board of supervisors for that
13 purpose.

14 (b) Upon receipt of a petition signed by seventy percent of
15 the property owners within any defined area of the township, the
16 board of supervisors shall establish the defined area as a
17 lighting district or include the defined area within an existing
18 lighting district and shall provide public lighting within the
19 area.

20 (c) The board of supervisors may contract with electric, gas
21 or other lighting companies to light and illuminate roads and
22 highways and other public places with electric light, gas light
23 or other illuminating substances.

24 Section 2003. Costs.--(a) The board of supervisors may pay
25 for the cost of public lighting by any one or a combination of
26 the following means, whether the installation of the lighting
27 was initiated by action of the board of supervisors or by
28 petition:

29 (1) From the general fund.

30 (2) Through uniform annual assessments made upon benefited

1 properties on the foot-front basis.

2 (3) By uniform annual assessment upon each property
3 benefited.

4 (4) By an equal millage assessment upon each property
5 benefited, based upon the assessment for county tax purposes.

6 (5) By any combination of the above methods or other
7 equitable means of assessment as the board of supervisors may
8 determine.

9 (b) If public street lighting is currently in existence and
10 is being paid for by a certain means or method, the board of
11 supervisors may alter or amend the means of assessing the cost
12 of the lighting.

13 (c) Properties are subject to assessment for this purpose,
14 whether or not the property is exempt from taxation by existing
15 law.

16 (d) If the foot-front method of assessment is used, the
17 assessment shall be by equal assessment on all property in
18 proportion to the number of feet the property fronts on the
19 street or highway or portion thereof to be lighted. The board of
20 supervisors may provide for an equitable reduction from the
21 frontage of lots at intersections or where, due to the irregular
22 shape of lots, an assessment of the full frontage would be
23 inequitable. No assessment shall be made against any farmland,
24 but vacant lots between built-up sections, whether tilled or not
25 tilled, are not farmland. The assessment for each foot front
26 against vacant lots shall be only twenty-five percent of the
27 assessment for each foot front against property with
28 improvements.

29 (e) All annual assessments for street lights shall be filed
30 with the township tax collector under section 3301(a). The

1 assessment may be billed on the annual real estate tax bill for
2 general township purposes if authorized by the board of
3 supervisors.

4 ARTICLE XXI

5 SOLID WASTE COLLECTION AND DISPOSITION

6 Section 2101. Accumulation of Ashes, Garbage, Solid Waste
7 and Refuse Materials.--The board of supervisors may prohibit
8 accumulations of ashes, garbage, solid waste and other refuse
9 materials upon private property, including the imposition and
10 collection of reasonable fees and charges for the collection,
11 removal and disposal thereof.

12 Section 2102. Collection.--The board of supervisors may
13 collect and remove, by contract or otherwise, ashes, garbage,
14 solid waste and other refuse materials and recyclables and
15 prescribe penalties for the enforcement thereof. Any contract
16 with refuse haulers may be made for a period not exceeding five
17 years. This limitation does not apply to contracts with any
18 other county or municipal corporation.

19 Section 2103. Disposal.--The board of supervisors may
20 dispose of, by contract or otherwise, ashes, garbage, solid
21 waste and other refuse materials. Any contract with the owner of
22 a private facility for the disposal or incineration of ashes,
23 garbage, solid waste and other refuse materials may be made for
24 a period not exceeding twenty years. This limitation does not
25 apply to contracts with any county or municipal corporation.

26 Section 2104. Acquisition of Land.--The board of supervisors
27 may acquire any real property and erect, maintain, improve,
28 operate and lease, either as lessor or lessee, facilities for
29 incineration, landfill or other methods of disposal, either
30 inside or outside the limits of the township, including

1 equipment, either separately or jointly, with any county or
2 municipal corporation in order to provide for the destruction,
3 collection, removal and disposal of ashes, garbage, solid waste
4 or other refuse materials, for the collection and storage of
5 recyclable materials or for the composting of leaf and yard
6 waste. The board of supervisors may provide for the payment of
7 the cost thereof out of the funds of the township. The board of
8 supervisors may acquire land for landfill purposes, either
9 amicably or by exercising the power of eminent domain, and
10 maintain lands and places for the dumping of ashes, garbage,
11 solid waste and other refuse materials.

12 Section 2105. Charge for Services.--The board of supervisors
13 may establish, alter, charge and collect rates and other charges
14 for the collection, removal and disposal of ashes, garbage,
15 solid waste, other refuse materials and recyclable materials,
16 and the costs of including the payment of any indebtedness
17 incurred for the construction, purchase, improvement, repair,
18 maintenance and operation of any facilities therefor, and the
19 amount due under any contract with any county or municipal
20 corporation furnishing the services or facilities.

21 Section 2106. Appropriations.--The board of supervisors may
22 make appropriations to any county or municipal corporation for
23 the construction, purchase, improvement, repair, maintenance and
24 operation of any facilities for the collection, removal,
25 disposal or marketing of ashes, garbage, solid waste, other
26 refuse materials, recyclable materials or composted leaf and
27 yard waste.

28 Section 2107. Refuse Collection District.--On petition of a
29 majority of the owners, occupants or tenants of any territory
30 inside the township which is definitely defined, set apart and

1 limited by the board of supervisors as a refuse collection
2 district, either with township employes and facilities or with
3 independent contractors, the board of supervisors may provide
4 for the removal from the refuse collection district of ashes,
5 garbage, solid waste or other refuse materials and for the
6 disposal thereof, including the collection and marketing of
7 recyclable materials. The board of supervisors may levy an
8 assessment upon all owners, occupants or tenants of the district
9 sufficient to defray the cost of the removal, disposal or
10 marketing under section 3301(b).

11 Section 2108. Exclusion from Bidding Requirements.--A
12 township shall not be subject to requirements otherwise imposed
13 by law for the sale of personal property owned by the township
14 when selling recyclable materials or materials separated,
15 collected, recovered or created by recycling, as provided in the
16 act of April 9, 1992 (P.L.70, No.21), entitled "An act excluding
17 the sale of recyclable material from political subdivision
18 personal property sale restrictions relating to advertising and
19 bidding."

20 ARTICLE XXII

21 PARKS, RECREATION CENTERS AND FORESTS

22 Section 2201. Acquisition of Lands and Buildings.--The board
23 of supervisors may designate lands or buildings owned, leased or
24 controlled by the township for use as parks, playgrounds,
25 playfields, gymnasiums, swimming pools, indoor recreation
26 centers, public parks and other recreation areas and facilities
27 and acquire lands or buildings by lease, gift, devise, purchase
28 or by the exercise of the right of eminent domain for
29 recreational purposes and construct and equip facilities for
30 recreational purposes.

1 Section 2202. Recreation Facilities Employees.--The board of
2 supervisors may employ persons to maintain the recreation
3 facilities or supervise the use of the recreation facilities.

4 Section 2203. Regulation of Parks and Public Amusements.--

5 (a) The board of supervisors may, by ordinance, regulate the
6 use and enjoyment by the public of any park or recreation
7 grounds owned and operated by the township or charitable
8 organizations for the use of the public.

9 (b) The board of supervisors may prescribe rules for the use
10 by the public of parks and recreation grounds and the facilities
11 and amusements connected therewith and post the rules at
12 conspicuous places in the parks or recreation grounds. Any
13 person who violates the rules commits a summary offense.

14 (c) The board of supervisors may, by ordinance not
15 inconsistent with State law and regulations, regulate the time
16 of opening and closing and the conduct of places of public
17 entertainment, amusement and recreation.

18 (d) The board of supervisors may, by ordinance or
19 resolution, annually appropriate funds for recreation programs
20 not directly sponsored by the township.

21 Section 2204. Creation of Recreation Boards.--(a) The board
22 of supervisors may, by ordinance, create a recreation board to
23 supervise, regulate, equip and maintain township-funded
24 recreation programs and facilities. The recreation board has
25 only those powers specifically delegated to it by the board of
26 supervisors.

27 (b) Recreation boards, when established, shall consist of
28 five or seven persons. The members shall be appointed by the
29 board of supervisors and shall serve for terms of five years or
30 until their successors are appointed, except that the members

first appointed shall be appointed so that the terms of not more than two members expire annually. Members shall serve without pay but may be reimbursed by the township for all expenses incurred in performing their duties. All persons appointed shall serve their full terms unless voluntarily resigned or removed by the board of supervisors for dereliction or neglect of duty. Vacancies occurring other than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

(c) The members of a recreation board shall elect a chairman and secretary and select all other necessary officers to serve for a period of one year. The recreation board may adopt rules and regulations for the conduct of all business within its jurisdiction and exercise powers and functions concerning parks and recreation facilities as may be delegated to it by the board of supervisors. The recreation board shall submit an annual report to the board of supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and leadership.

Section 2205. Joint Ownership and Maintenance.--The board of supervisors may join with any one or more municipal corporations, counties or school districts to acquire, create, equip, maintain and operate any park or recreation area to serve residents of the township under the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law.

Section 2206. Expenses for Maintenance.--All expenses incurred in the operation of parks, recreation areas and facilities are payable from the general township fund or from the treasury of the municipal corporations, counties or school

districts under the agreement of the corporate authorities.

Section 2207. Forest Lands.--(a) Townships may acquire, by purchase, gift or lease, and hold tracts of land covered with forest or tree growth, or suitable for the growth of trees, and administer the tracts under the direction of the Department of Environmental Resources. The tracts may be of any size suitable for the purpose and may be located inside or outside the township limits.

(b) When the board of supervisors intends to acquire any lands for forests, it shall so declare by an ordinance, setting forth all facts and conditions relating to the proposed action.

(c) Upon the acquisition of any forests or lands suitable for forests, the board of supervisors shall notify the Department of Environmental Resources which may make rules for the government and proper administration of the lands as may be necessary. The Department of Environmental Resources shall publish the rules, declare the uses of the forest under the intent of this article and make provision for its administration, maintenance, protection and development as necessary. The rules governing the administration of the forests shall have for their main purpose the producing of a continuing township revenue by the sale of forest products.

(d) All revenue and emoluments arising from the forests shall be paid into the general township fund.

(e) Township forests may be used by the public as general outing or recreation grounds, subject to the rules of the Department of Environmental Resources governing their administration and rules adopted by the board of supervisors not inconsistent with law and the rules of the Department of Environmental Resources.

1 (f) When the board of supervisors decides to sell or lease
2 any forest, or part thereof or products therefrom, it shall so
3 declare by an ordinance, setting forth all the facts and
4 conditions relating to the proposed action.

5 (g) The board of supervisors may, on behalf of the township,
6 accept the title to lands which may be donated to the township
7 for any of the purposes mentioned in this article.

8 [ARTICLE VIII

9 CONTRACTS

10 Section 801. Power to Make Contracts.--Each township may
11 make contracts for lawful purposes and for the purpose of
12 carrying into execution the provisions of this act and the laws
13 of the Commonwealth.

14 Section 802. Letting Contracts.--(a) Each township shall
15 have the power to make, to authorize, and to ratify,
16 expenditures for lawful purposes from funds available therefor,
17 by borrowing within legal limitations: Provided, That all
18 contracts or purchases in excess of ten thousand dollars, except
19 those hereinafter mentioned, shall not be made except with and
20 from the lowest responsible bidder, after due notice in one
21 newspaper of general circulation, published or circulating in
22 the county in which the township is situated, at least two
23 times, at intervals of not less than three days where daily
24 newspapers of general circulation are employed for such
25 publication, or in case weekly newspapers are employed, then the
26 notice shall be published once a week for two successive weeks.
27 The first advertisement shall be published not more than forty-
28 five days and the second advertisement not less than ten days
29 prior to the date fixed for the opening of bids. Notice of
30 proposed contracts or purchases shall also be posted where the

1 board of supervisors normally meets or in a conspicuous place
2 within the township.

3 (a.1) Written or telephonic price quotations from at least
4 three qualified and responsible contractors shall be requested
5 for all contracts that exceed four thousand dollars but are less
6 than the amount requiring advertisement and competitive bidding
7 or, in lieu of price quotations, a memorandum shall be kept on
8 file showing that fewer than three qualified contractors exist
9 in the market area within which it is practicable to obtain
10 quotations. A written record of telephonic price quotations
11 shall be made and shall contain at least the date of the
12 quotation, the name of the contractor and the contractor's
13 representative, the construction, reconstruction, repair,
14 maintenance or work which was the subject of the quotation and
15 the price. Written price quotations, written records of
16 telephonic price quotations and memoranda shall be retained for
17 a period of three years.

18 (b) The amount of the contract shall in all cases, whether
19 of straight sale price, conditional sale, bailment lease, or
20 otherwise, be the entire amount which the township pays to the
21 successful bidder or his assigns in order to obtain the services
22 or property, or both, and shall not be construed to mean only
23 the amount which is paid to acquire title or to receive any
24 other particular benefit or benefits of the whole bargain.

25 (c) The acceptance of bids shall only be made by public
26 announcement at the meeting at which bids are received, or at a
27 subsequent meeting, the time and place of which shall be
28 publicly announced when bids are received. If for any reason one
29 or both of the above meetings shall not be held, the same
30 business may be transacted at subsequent meetings: Provided,

1 That at least five days' notice thereof shall be published in
2 the newspaper aforesaid.

3 (d) The successful bidder, when advertising is required
4 herein, shall be required to furnish a bond with suitable
5 reasonable requirements, guaranteeing performance of the
6 contract, with sufficient surety in the amount of fifty per
7 centum (50%) of the amount of the contract within twenty days
8 after the contract has been awarded, unless the supervisors
9 shall prescribe a shorter period not less than ten days, and
10 upon failure to furnish such bond within such time, the previous
11 award shall be void. Delivery, accomplishment and guarantees may
12 be required in all cases of expenditures, including the
13 exceptions herein.

14 (e) The contracts or purchases made by any supervisors
15 involving an expenditure of over ten thousand dollars, which
16 shall not require advertising or bidding as hereinbefore
17 provided, are as follows:

18 (1) Those made for maintenance, repairs or replacements for
19 water, electric light and other public works of the township,
20 provided they do not constitute new additions, extensions or
21 enlargements of existing facilities and equipment, but a bond
22 may be required by the supervisors as in other cases of work
23 done.

24 (2) Those made for improvements, repairs or maintenance of
25 any kind, made or provided by any township, through its own
26 employes: Provided, however, That all materials used for road
27 improvement, maintenance and/or construction in excess of ten
28 thousand dollars be subject to the advertising requirements
29 contained herein.

30 (3) Those where particular types, models or pieces of new

1 equipment, articles, apparatus, appliances, vehicles, or parts
2 thereof, are desired by the supervisors, which are patented and
3 manufactured products.

4 (4) Those involving any policies of insurance or surety
5 company bonds, those made for public utility service under
6 tariffs on file with the Pennsylvania Public Utility Commission,
7 those made with another political subdivision, county, the
8 Commonwealth of Pennsylvania or the Federal Government, or any
9 agency of the Commonwealth or Federal Government, or any
10 municipal authority, including the sale, leasing or loan of any
11 supplies or materials by the Commonwealth, or the Federal
12 Government, or their agencies, but the price thereof, or the
13 expenditure therefor, shall not be in excess of those fixed by
14 the Commonwealth, the Federal Government or their agencies.

15 (5) Those involving personal or professional services.

16 (f) Except as herein provided, no township official, either
17 elected or appointed, who knows, or who by the exercise of
18 reasonable diligence, could know, shall be interested to any
19 appreciable degree, either directly or indirectly, in any
20 contract for the sale or furnishing of any supplies or materials
21 for the use of the township, or for any work to be done for such
22 township involving the expenditure by the township of more than
23 three hundred dollars (\$300) in any year, but this limitation
24 shall not apply to cases where such officer, or appointee of the
25 township, is an employe of the person, firm or corporation to
26 which the money is to be paid in a capacity with no possible
27 influence on the transaction, and in which he cannot be possibly
28 benefited thereby, either financially or otherwise: Provided,
29 however, That in the case of a supervisor, if he knows that he
30 is within the exception just mentioned, he shall so inform the

1 supervisors and shall refrain from voting on the expenditures,
2 or any ordinance relating thereto, and shall in no manner
3 participate therein: Provided, further, That any such official
4 or appointee who shall knowingly violate this provision shall be
5 subject to surcharge to the extent of the damage shown to be
6 thereby sustained by the township, ouster from office, and shall
7 be guilty of a misdemeanor, and upon conviction thereof, shall
8 be sentenced to pay a fine not exceeding five hundred dollars
9 (\$500): Provided, That in the case of the purchase of material
10 for the construction, reconstruction, maintenance and
11 improvement of roads and bridges, the contract, which shall be
12 in writing, and shall be let only on standard specifications of
13 the Department of Transportation, and materials so purchased
14 shall only be used in accordance with specifications of said
15 department.

16 (g) Every contract for the construction, reconstruction,
17 alteration, repair, improvement or maintenance of public works
18 shall comply with the provisions of the act of March 3, 1978
19 (P.L.6, No.3), known as the "Steel Products Procurement Act."

20 (h) No person, consultant, firm or corporation contracting
21 with a township for purposes of rendering personal or
22 professional services to the township shall share with any
23 township officer or employe, and no township officer or employe
24 shall accept, any portion of the compensation or fees paid by
25 the township for the contracted services provided to the
26 township except under the following terms or conditions:

27 (1) Full disclosure of all relevant information regarding
28 the sharing of the compensation or fees shall be made to the
29 board of supervisors.

30 (2) The board of supervisors must approve the sharing of any

1 fee or compensation for personal or professional services prior
2 to the performance of said services.

3 (3) No fee or compensation for personal or professional
4 services may be shared except for work actually performed.

5 (4) No shared fee or compensation for personal or
6 professional services may be paid at a rate in excess of the
7 commensurate for similar personal or professional services.

8 Section 802.1. Evasion of Advertising Requirements.--(a) No
9 supervisor or supervisors shall evade the provisions of section
10 eight hundred two as to advertising for bids, by purchasing or
11 contracting for services and personal properties piecemeal for
12 the purpose of obtaining prices under ten thousand dollars upon
13 transactions which should, in the exercise of reasonable
14 discretion and prudence, be conducted as one transaction
15 amounting to more than ten thousand dollars. This provision is
16 intended to make unlawful the evading of advertising
17 requirements by making a series of purchases or contracts each
18 for less than the advertising requirement price, or by making
19 several simultaneous purchases or contracts, each below said
20 price, when, in either case, the transactions involved should
21 have been made as one transaction for one price. Any supervisors
22 who so vote in violation of this provision, and who know that
23 the transaction upon which they so vote is or ought to be part
24 of a larger transaction and that it is being divided in order to
25 evade the requirements as to advertising for bids, shall be
26 jointly and severally subject to surcharge for ten per centum of
27 the full amount of the contract or purchase. Whenever it shall
28 appear that a supervisor may have voted in violation of this
29 section, but the purchase or contract on which he so voted was
30 not approved by the board of supervisors, this section shall be

1 inapplicable.

2 (b) Any supervisor who votes to unlawfully evade the
3 provisions of section eight hundred two and who knows that the
4 transaction upon which he so votes is or ought to be a part of a
5 larger transaction and that it is being divided in order to
6 evade the requirements as to advertising for bids commits a
7 misdemeanor of the third degree for each contract entered into
8 as a direct result of that vote. This penalty shall be in
9 addition to any surcharge which may be assessed pursuant to
10 subsection (a).

11 Section 803. Bonds for Protection of Labor and
12 Materialmen.--It shall be the duty of every township to require
13 any person, copartnership, association, or corporation, entering
14 into a contract with such township for the construction,
15 erection, installation, completion, alteration, repair of, or
16 addition to, any public work or improvement of any kind
17 whatsoever, where the amount of such contract is in excess of
18 one thousand five hundred dollars, before commencing work under
19 such contract, to execute and deliver to such township, in
20 addition to any other bond which may now or hereafter be
21 required by law to be given in connection with such contract, an
22 additional bond, for the use of any and every person,
23 copartnership, association, or corporation interested, in a sum
24 not less than fifty per centum and not more than one hundred per
25 centum of the liability under the contract, as such township may
26 prescribe, having as surety thereon one or more surety companies
27 legally authorized to do business in this Commonwealth,
28 conditioned for the prompt payment of all material furnished and
29 labor supplied or performed in the prosecution of the work,
30 whether or not the said material or labor enter in and become

1 component parts of the work or improvement contemplated. Such
2 additional bond shall be deposited with and held by the township
3 for the use of any party interested therein. Every such
4 additional bond shall provide that every person, copartnership,
5 association, or corporation who, whether as subcontractor or
6 otherwise, has furnished material or supplied or performed labor
7 in the prosecution of the work as above provided, and who has
8 not been paid therefor, may sue in assumpsit on said additional
9 bond in the name of the township for his, their, or its use and
10 prosecute the same to final judgment for such sum or sums as may
11 be justly due him, them, or it, and have execution thereon:
12 Provided, That the township shall not be liable for the payment
13 of any costs or expense of any suit.

14 Section 803.1. Purchase Contracts for Petroleum Products;
15 Fire Company, Etc., Participation.--The board of supervisors of
16 each township shall have power to permit, subject to such terms
17 and conditions as it may, and as hereinafter specifically
18 provided, shall, prescribe any paid or volunteer fire company,
19 paid or volunteer rescue company and paid or volunteer ambulance
20 company in the township to participate in purchase contracts for
21 petroleum products entered into by the township. Any such
22 company desiring to participate in such purchase contracts shall
23 file with the township secretary a request that it be authorized
24 to participate in contracts for the purchase of petroleum
25 products of the township and agreeing that it will be bound by
26 such terms and conditions as the township may, and as
27 hereinafter specifically provided, shall, prescribe and that it
28 will be responsible for payment directly to the vendor under
29 each purchase contract. Among such terms and conditions, the
30 township shall prescribe that all prices shall be F.O.B.

1 destination.

2 Section 804. Separate Specifications for Branches of Work.--

3 In the preparation of specifications for the erection or
4 alteration of any public building, when the entire cost of such
5 work exceeds ten thousand dollars, the architect, engineer, or
6 person preparing such specifications shall prepare separate
7 specifications for the plumbing, heating, ventilating, and
8 electrical work, and the township shall receive separate bids
9 upon each of such branches of work and award the contract for
10 the same to the lowest responsible bidder.

11 Section 805. Workmen's Compensation Insurance.--All

12 contracts executed by any township, which shall involve the
13 construction or doing of any work involving the employment of
14 labor, shall contain a provision that the contractor shall
15 accept, in so far as the work covered by any such contract is
16 concerned, the provisions of the Workmen's Compensation Act of
17 one thousand nine hundred and fifteen, and any supplements or
18 amendments thereto, and that the said contractor will insure his
19 liability thereunder, or file with the township with which the
20 contract is made a certificate of exemption from insurance from
21 the Bureau of Workmen's Compensation of the Department of Labor
22 and Industry.

23 Every officer of a township who shall sign, on behalf of the
24 said township, any contract, requiring in its performance the
25 employment of labor, shall require, before the said contract
26 shall be signed, proof that the said contractor with whom the
27 contract is made shall have accepted the Workmen's Compensation
28 Act of one thousand nine hundred and fifteen, and any
29 supplements or amendments thereto, and proof that the said
30 contractor has insured his liability thereunder in accordance

1 with the terms of the said act, or that the said contractor has
2 had issued to him a certificate of exemption from insurance from
3 the Bureau of Workmen's Compensation of the Department of Labor
4 and Industry.

5 Any contract executed in violation of the provisions of this
6 section shall be null and void.

7 Section 806. Engineers and Architects Not to Be Interested
8 in Contracts.--It shall be unlawful for any architect or
9 engineer, in the employ of a township, and engaged in the
10 preparation of plans, specifications, or estimates, to bid on
11 any public work at any letting of such work in such township.

12 It shall also be unlawful for the officers of a township,
13 charged with the duty of letting any public work, to award a
14 contract to any such architect or engineer in the employ of the
15 township.

16 It shall also be unlawful for any architect or engineer in
17 the employ of a township to be in any wise interested in any
18 contract for public work in such township, or receive any
19 remuneration or gratuity from any person interested in such
20 contract except under the terms and conditions as provided in
21 section 802(h).

22 Any person who violates any of the provisions of this
23 section, shall be guilty of a misdemeanor, and, on conviction
24 thereof, shall be sentenced to pay a fine not exceeding five
25 hundred dollars, or undergo imprisonment of not more than six
26 months, or both, in the discretion of the court, and shall
27 forfeit his office.

28 Section 807. Minimum Wages under Contracts.--(a) The
29 specifications upon which contracts are entered into by any
30 township for the construction, alteration, or repair of any

1 public work or improvement may, at the option of any such
2 township, contain the minimum wage or wages, which may be paid
3 by the contractor or his subcontractors for the work performed
4 by laborers and mechanics employed on such public work or
5 improvement, and such laborers and mechanics shall, in such
6 cases, be paid not less than such minimum wage or wages.

7 (b) Every contract for the construction, alteration, or
8 repair of any public work or improvement founded on
9 specifications, containing any such stipulation for minimum wage
10 or wages, shall stipulate a penalty of an amount equal to twice
11 the difference between the minimum wage contained in said
12 specifications and the wage actually paid to each laborer or
13 mechanic for each day, during which he has been employed at a
14 wage less than that prescribed in said specifications.

15 (c) Every officer, or person designated as an inspector of,
16 or having supervision over, the work to be performed under any
17 such contract, in order to aid in enforcing the fulfillment
18 thereof, shall, upon observation or investigation, report to the
19 supervisors of the township all violations of minimum wage
20 stipulations, together with the name of each laborer or mechanic
21 who has been paid a wage less than that prescribed by the
22 specifications, and the day or days of such violation.

23 (d) All such penalties shall be withheld and deducted for
24 the use of the township from any moneys due the contractor by
25 the officer or person, whose duty it shall be to authorize the
26 payment of moneys due such contractor, whether the violation of
27 the minimum wage stipulation of the specifications was by the
28 contractor or by any of his subcontractors: Provided, That if
29 any such contractor or subcontractor subsequently pays to all
30 laborers and mechanics the balance of the amounts stipulated in

1 such contract, the township shall pay to the contractor the
2 amounts so withheld as penalties.

3 Section 808. Discrimination between Employees.--Every
4 contract for or on behalf of any township for the construction,
5 alteration or repair of any public building or public work shall
6 contain provisions by which the contractor agrees.

7 (a) That in the hiring of employees for the performance of
8 work under this contract, or any subcontract hereunder, no
9 contractor, subcontractor, nor any person acting on behalf of
10 such contractor or subcontractor, shall by reason of race, creed
11 or color, discriminate against any citizen of the Commonwealth
12 of Pennsylvania, who is qualified and available to perform the
13 work to which the employment relates.

14 (b) That no contractor, subcontractor, nor any person on his
15 behalf shall in any manner discriminate against or intimidate
16 any employee hired for the performance of work under his contract
17 on account of race, creed or color.

18 (c) That there may be deducted from the amount payable to
19 the contractor, under this contract, a penalty of five dollars
20 for each person, for each calendar day, during which such person
21 was discriminated against, or intimidated in violation of the
22 provisions of the contract, and

23 (d) That the contract may be cancelled or terminated by the
24 township, and all money due, or to become due hereunder, may be
25 forfeited for a second or any subsequent violation of the terms
26 or conditions of this portion of the contract.

27 ARTICLE IX

28 TAXATION AND FINANCE

29 Section 901. Fiscal Year.--The fiscal year in townships of
30 the second class shall commence on the first day of January in

1 each year. All receipts, disbursements, contracts, and purchases
2 shall be chargeable to and entered as of record in the fiscal
3 year in which made.

4 Section 902. Annual Budget.--A. (1) The board of township
5 supervisors shall annually, at least thirty days prior to the
6 adoption of the annual budget begin preparation of a proposed
7 budget for all funds or annual estimate of revenues and
8 expenditures for the ensuing fiscal year, beginning on the first
9 day of January, which shall be filed with the treasurer. Said
10 budget shall reflect as nearly as possible the estimated
11 revenues and expenditures of the township for the year for which
12 the budget is prepared. It shall be unlawful to prepare and
13 advertise notice of a proposed budget when the same is knowingly
14 inaccurate. Where, upon any revision of the budget, it appears
15 that the estimated expenditures in the adopted budget will be
16 increased more than ten percent in the aggregate or more than
17 twenty-five percent in any individual item over the proposed
18 budget, it shall be presumed that the tentative budget was
19 inaccurate; and such budget may not be legally adopted with any
20 such increases therein unless the same is again advertised once,
21 as in the case of the proposed budget, and an opportunity
22 afforded to taxpayers to examine the same and protest such
23 increases. In all townships, the budget shall be prepared on a
24 uniform form, prepared and furnished as hereafter provided. The
25 estimates in the budget, shall specify:

26 (a) The amount of money necessary for the construction,
27 maintenance, repair, and improvement of roads;

28 (b) The amount of money necessary for the construction,
29 maintenance, and repair of culverts and bridges;

30 (c) The amount of money necessary for the purchase, hire,

1 repair, and custody of equipment, machinery, teams and
2 implements;

3 (d) The amount of money necessary for each other
4 governmental activity of the township, for which a special tax
5 levy may or may not be authorized;

6 (e) The amount of money necessary for the payment of debts,
7 and other miscellaneous purposes.

8 (2) Upon the preparation of the proposed budget, the
9 supervisors shall give public notice by advertisement once in at
10 least one newspaper of general circulation in the township or
11 county that the proposed budget will be available for public
12 inspection at a designated place in the township. After the
13 budget has been available for public inspection for twenty days
14 the supervisors shall, after making such revisions therein as
15 appear advisable, adopt the budget not later than the thirty-
16 first day of December and the necessary appropriation measures
17 required to put it into effect.

18 (3) The total appropriation shall not exceed the revenues
19 estimated as available for the fiscal year. In all townships the
20 board of supervisors shall, within fifteen days after the
21 adoption of the budget, file a copy of the same in the office of
22 the Department of Community Affairs.

23 (4) The supervisors may at any time by resolution make
24 supplemental appropriations for any lawful purpose from any
25 funds on hand or estimated to be received within the fiscal year
26 and not otherwise appropriated, including the proceeds of any
27 borrowing authorized by law. Such supplemental appropriations
28 may be made whether or not an appropriation for the same purpose
29 was included in the original budget as adopted, except that no
30 supplemental appropriation shall be made for any purpose in

1 respect to which the court on an appeal pursuant to section nine
2 hundred eight of this act has ordered a specific reduction or
3 elimination of an item of the original budget for the same
4 purpose.

5 (5) The supervisors may by resolution, transfer unencumbered
6 moneys from one township account to another, but no moneys shall
7 be transferred from the fund allocated for the payment of debts
8 or from any fund raised by a special tax levy for a particular
9 purpose. Such transfers shall not be made during the first three
10 months of the fiscal year. No money shall be paid out of the
11 township treasury except upon appropriation made according to
12 law.

13 B. The uniform forms for the annual budget, the annual
14 township report, and the annual financial statement required to
15 be made by the auditors, shall be prepared by a committee
16 consisting of four representatives of the State Association of
17 Township Supervisors and one representative of each from the
18 Department of Transportation, and the Department of Community
19 Affairs.

20 Such representatives of the State Association of Township
21 Supervisors shall be appointed by the president of the
22 organization. Such representatives may be either township
23 supervisors, auditors or township secretaries, and, as far as
24 possible, shall be chosen to represent townships in the various
25 population groups among the range of townships of the second
26 class. The president of the organization shall supply to the
27 Secretary of Community Affairs the names and addresses of such
28 representatives, immediately upon their appointment.

29 Such representatives of the townships shall serve without
30 compensation, but shall be reimbursed by the Commonwealth for

1 all necessary expenses incurred in attending meetings of the
2 committee from appropriations made to the Department of
3 Community Affairs. The committee shall meet at the call of the
4 Secretary of Community Affairs, or his agent, who shall serve as
5 chairman of the committee.

6 In preparing such uniform forms, the committee shall give
7 careful consideration to the fiscal needs and procedure of
8 townships of the various population groups producing separate
9 forms, if necessary, to meet the needs of townships of varying
10 sizes. The form for annual reports shall contain the
11 information, herein specifically required to be furnished, and
12 such other information as the committee shall deem proper, and
13 shall be arranged to correlate with the forms for the budget,
14 respecting order of items, and division of revenues by major
15 classifications, and disbursements by major functions. The
16 committee shall also prescribe the form of the statement
17 summarizing the annual report, which is hereinbefore required to
18 be published.

19 It shall be the duty of the Secretary of Community Affairs to
20 see to it that the forms required by this act are prepared in
21 cooperation with such committee. In the event that such
22 committee should, for any reason, fail to furnish such
23 cooperation, Department of Community Affairs shall prepare the
24 forms. After they are prepared, the Secretary of Community
25 Affairs shall issue such forms and distribute them annually, as
26 needed, to the proper township officers.

27 Section 902.1. Investment of Township Funds.--(a) The
28 supervisors shall have the power to:

29 (1) make investment of township sinking funds as authorized
30 by the act of July 12, 1972 (P.L.781, No.185), known as the

1 "Local Government Unit Debt Act";

2 (2) make investment of moneys in the General Fund and in
3 special funds of the township other than the sinking funds as
4 authorized by Article IX; and

5 (3) liquidate any such investment, in whole or in part, by
6 disposing of securities or withdrawing funds on deposit. Any
7 action taken to make or to liquidate any investment shall be
8 made by the officers designated by action of the supervisors.

9 (b) The supervisors shall invest township funds consistent
10 with sound business practice.

11 (c) The supervisors shall provide for an investment program
12 subject to restrictions contained in this act and in any other
13 applicable statute and any rules and regulations adopted by the
14 supervisors.

15 (d) Authorized types of investments for township funds shall
16 be:

17 (1) United States Treasury bills.

18 (2) Short-term obligations of the United States Government
19 or its agencies or instrumentalities.

20 (3) Deposits in savings accounts or time deposits, other
21 than certificates of deposit, or share accounts of institutions
22 insured by the Federal Deposit Insurance Corporation or the
23 Federal Savings and Loan Insurance Corporation or the National
24 Credit Union Share Insurance Fund or the Pennsylvania Deposit
25 Insurance Corporation or the Pennsylvania Savings Association
26 Insurance Corporation to the extent that such accounts are so
27 insured, and, for any amounts above the insured maximum,
28 provided that approved collateral as provided by law therefore
29 shall be pledged by the depository.

30 (4) Obligations of the United States of America or any of

1 its agencies or instrumentalities backed by the full faith and
2 credit of the United States of America, the Commonwealth of
3 Pennsylvania or any of its agencies or instrumentalities backed
4 by the full faith and credit of the Commonwealth, or of any
5 political subdivision of the Commonwealth of Pennsylvania or any
6 of its agencies or instrumentalities backed by the full faith
7 and credit of the political subdivision.

8 (5) Shares of an investment company registered under the
9 Investment Company Act of 1940, whose shares are registered
10 under the Securities Act of 1933, provided that the only
11 investments of that company are in the authorized investments
12 for township funds listed in (1) through (4).

13 (6) Certificates of deposit purchased from institutions
14 insured by the Federal Deposit Insurance Corporation or the
15 Federal Savings and Loan Insurance Corporation or the National
16 Credit Union Share Insurance Fund or the Pennsylvania Deposit
17 Insurance Corporation or the Pennsylvania Savings Association
18 Insurance Corporation to the extent that such accounts are so
19 insured. However, for any amounts above the insured maximum,
20 such certificates of deposit shall be collateralized by a pledge
21 or assignment of assets of the institution, and such collateral
22 may include loans (including interest in pools of loans) secured
23 by first mortgage liens on real property. Certificates of
24 deposit purchased from commercial banks shall be limited to an
25 amount equal to twenty percent of a bank's total capital and
26 surplus. Certificates of deposit purchased from savings and loan
27 associations or savings banks shall be limited to an amount
28 equal to twenty percent of an institution's assets minus
29 liabilities.

30 (7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating

1 to fiduciaries investments) shall be an authorized investment
2 for any pension or retirement fund.

3 (e) In making investments of township funds, the supervisors
4 shall have authority:

5 (1) To permit assets pledged as collateral under subsection
6 (d)(3), to be pooled in accordance with the act of August 6,
7 1971 (P.L.281, No.72), relating to pledges of assets to secure
8 deposits of public funds.

9 (2) To combine moneys from more than one fund under township
10 control for the purchase of a single investment, provided that
11 each of the funds combined for the purpose shall be accounted
12 for separately in all respects and that the earnings from the
13 investment are separately and individually computed and
14 recorded, and credited to the accounts from which the investment
15 was purchased.

16 (3) To join with one or more other political subdivisions
17 and municipal authorities in accordance with the act of July 12,
18 1972 (P.L.762, No.180), entitled "An act relating to
19 intergovernmental cooperation," in the purchase of a single
20 investment, provided that the requirements of clause (2) on
21 separate accounting of individual funds and separate
22 computation, recording and crediting of the earnings therefrom
23 are adhered to.

24 Section 902.2. Amending Budget; Notice.--During the month of
25 January next following any municipal election, the supervisors
26 of any township may amend the budget and the levy and tax rate
27 to conform with its amended budget. A period of ten days' public
28 inspection at the office of the township secretary of the
29 proposed amended budget, after notice by the township secretary
30 to that effect is published once in a newspaper as provided by

1 section 110 of this act, shall intervene between the proposed
2 amended budget and the adoption thereof. Any amended budget must
3 be adopted by the township supervisors on or before the
4 fifteenth day of February.

5 No such proposed amended budget shall be revised upward in
6 excess of ten percent in the aggregate thereof or as to an
7 individual item in excess of twenty-five percent of the amount
8 of such individual item in the proposed amended budget.

9 Within fifteen days after the adoption of an amended budget,
10 the township secretary shall file a copy thereof in the office
11 of the Department of Community Affairs.

12 Section 903. Temporary Indebtedness.--Whenever the township
13 road funds have been exhausted, the board of supervisors may
14 borrow, on the credit of the township, money in anticipation of
15 taxes to be collected for the current fiscal year and issue a
16 certificate of indebtedness payable on a certain date within the
17 current fiscal year, to the end that work may be performed in
18 proper season and in accordance with rules and regulations
19 prescribed.

20 Section 904. Sale of Bonds.--Bonds and other obligations,
21 issued for the repayment of money borrowed, except tax
22 anticipation notes, shall be issued and sold in the manner
23 provided by the Municipal Borrowing Law, and its amendments.

24 Section 905. Township and Special Tax Levies.--A. The board
25 of township supervisors may, by resolution, levy taxes upon all
26 real property and upon all occupations, or upon real property
27 alone, within the township made taxable for township purposes,
28 as ascertained by the last adjusted valuation for county
29 purposes, for the purposes and at the rates hereinafter
30 specified. All taxes shall be collected in cash.

1 1. An annual township tax, for road, bridge, and general
2 township purposes, not later than the fourth Monday of March of
3 each year, not exceeding fourteen mills. Where the board of
4 supervisors, by a majority action, shall, upon due cause shown,
5 petition the court of quarter sessions for the right to levy
6 additional millage, the court, after such public notice as it
7 may direct and after hearing, may order a greater rate than
8 fourteen mills but not exceeding five additional mills, to be
9 levied. Such annual township tax shall include all levies for
10 road, bridge and general township purposes.

11 2. Upon receipt of a petition of a majority of the owners of
12 real estate of the township requesting it, an annual tax, not
13 exceeding five mills, for the purpose of lighting the highways,
14 roads and other public places in the township, in the manner
15 provided by the general powers of this act, and of defraying the
16 cost, charges and expenses thereof. Nothing contained herein
17 shall require a petition of owners of real estate in any
18 township, which is now lighting its streets and imposing taxes
19 under this subsection for such purposes.

20 3. An annual tax so long as necessary not exceeding fifty
21 per centum of the rate of assessment for the township tax, for
22 the purpose of procuring a lot and erecting a building thereon
23 for a townhouse, and for the payment of indebtedness incurred in
24 connection therewith.

25 4. An annual tax, not exceeding three mills, pursuant to
26 provision therefor in the township budget, for the purpose of
27 purchasing and maintaining fire apparatus, for the purpose of
28 making appropriations to fire companies both within and without
29 the township and of contracting with adjacent municipalities or
30 volunteer fire companies therein for fire protection, for the

1 purchase and maintenance of fire apparatus, and for the purposes
2 of providing a suitable place for the housing of fire apparatus.
3 If an annual tax for the purposes specified in this clause is
4 proposed to be set at a level higher than three mills, the
5 question shall be submitted to the voters of the township, and
6 the county board of elections shall frame the question in
7 accordance with the election laws of the Commonwealth for
8 submission to the voters of the township.

9 5. A tax not exceeding two mills for the purpose of
10 establishing and maintaining fire hydrants and fire hydrant
11 water service, after obtaining the assent of fifty-one per
12 centum of the electors of the township voting thereon, in the
13 manner provided in this act.

14 6. A tax, for the purpose of maintaining and operating
15 parks, playgrounds, playfields, gymnasiums, public baths,
16 swimming pools and recreation centers as hereinafter provided.

17 7. Annual tax sufficient to pay interest and principal on
18 any indebtedness incurred pursuant to the act of July 12, 1972
19 (P.L.781, No.185), known as the "Local Government Unit Debt
20 Act," or any prior or subsequent act governing the incurrence of
21 indebtedness of the township.

22 8. An annual tax, not exceeding one-half mill, for the
23 purpose of supporting ambulance and rescue squads serving the
24 township, except as provided in subsection D.

25 B. Whenever the assent of the electors is required as
26 hereinbefore provided the same shall be expressed at an election
27 to be held at the place and time of any general, special or
28 primary election, and under the same regulations as provided by
29 law for the holding of municipal elections. At such election,
30 the election officers shall receive ballots from the electors,

1 which shall be prepared in the manner prescribed by the
2 Pennsylvania Election Code.

3 C. This article does not include the levy of any taxes upon
4 particular districts or parts of any township for particular
5 purposes.

6 D. The tax for supporting ambulance and rescue squads
7 serving the township shall not exceed the rate specified in
8 clause 8 of subsection A, except when the question is submitted
9 to the voters of the township in the form of a referendum which
10 will appear on the ballot in accordance with the election laws
11 of the Commonwealth in which case the rate shall not exceed two
12 mills. The county board of elections shall frame the question to
13 be submitted to the voters of the township in accordance with
14 the election laws of the Commonwealth.

15 Section 905.1. Additions and Revisions to Duplicates.--
16 Whenever in any township, there is any construction of a
17 building or buildings not otherwise exempt as a dwelling after
18 January first of any year and the building is not included in
19 the tax duplicate of the township, the authority responsible for
20 assessments in the township shall, upon the request of the
21 township supervisors, direct the assessor in the township to
22 inspect and reassess, subject to the right of appeal and
23 adjustment provided by the act of Assembly under which
24 assessments are made, all taxable property in the township to
25 which major improvements have been made after January first of
26 any year and to give notice of such reassessments within ten
27 days to the authority responsible for assessments, the township
28 and the property owner. The property shall then be added to the
29 duplicate and shall be taxable for township purposes at the
30 reassessed valuation for that proportionate part of the fiscal

1 year of the township remaining after the property was improved.
2 Any improvement made during the month shall be computed as
3 having been made on the first of the month. A certified copy of
4 the additions or revisions to the duplicate shall be furnished
5 by the township supervisors to the township tax collector,
6 together with their warrant for collection of the same, and
7 within ten days thereafter, the township tax collector shall
8 notify the owner of the property of the taxes due the township.

9 Whenever an assessment is made for a portion of a year as
10 above provided, the same shall be added to the duplicate of the
11 following or succeeding year unless the value of the
12 improvements has already been included in said duplicate.

13 Section 906. Tax Rate to be Expressed in Dollars and
14 Cents.--Whenever the supervisors of any township shall, by
15 resolution, fix the rate of taxation for any year at a mill
16 rate, such resolution shall also include a statement expressing
17 the rate of taxation in dollars and cents on each one hundred
18 dollars of assessed valuation of taxable property.

19 Section 907. Special Levies Ordered by Court to Pay Debts.--
20 In addition to the levies hereinbefore provided for, when it is
21 shown to the court that the debts due by any township exceed the
22 amount which the supervisors may collect in any year by
23 taxation, the court, after ascertaining the amount of
24 indebtedness of any such township, may, by a writ of mandamus,
25 direct the township supervisors, by special taxation, to collect
26 an amount sufficient to pay the same. If the amount of such
27 indebtedness is so large as to render it inadvisable to collect
28 the same in any one year taking into consideration other
29 necessary taxation, the court may direct the same to be levied
30 and collected by annual installments, and may order such special

1 taxes to be levied and collected during such successive years as
2 may be required for payment of the same.

3 Section 908. Appeals to Court to Reduce Budget and Tax
4 Rate.--(a) Taxpayers whose property valuation as assessed for
5 taxable purposes within the township shall amount to twenty-five
6 per centum or over of the total valuation as assessed for
7 taxable purposes within the township, may, within fifteen days
8 after the board of township supervisors have adopted the budget
9 and determined the amount of the tax levy for the township,
10 petition the court of common pleas of the county in which such
11 township is located to examine into the necessity therefor and
12 the reasonableness of the various items in the budget of the
13 township and to reduce the proposed tax levy. Each such petition
14 shall contain a specification of objections and shall be
15 accompanied by the affidavit of one of the petitioners that the
16 proceedings have not been instituted for the purpose of delay,
17 and that the facts set forth in the petition are true and
18 correct to the best of his knowledge and belief. The petitioners
19 shall also file bond in the total amount of five hundred dollars
20 with good and sufficient surety to be approved by the court,
21 conditioned upon the payment of the costs if the court shall
22 assess the costs upon the petitioners.

23 Immediately upon the filing of such petition, the petitioners
24 shall serve a copy of the petition upon the president or
25 secretary of the board of township supervisors.

26 (b) Upon the filing of such petition, the court shall fix a
27 day for a hearing not less than fifteen nor more than thirty
28 days after such petition has been filed. Notice of such hearing
29 shall be given to all interested parties in such manner as the
30 court shall direct. On such hearing, it shall be the duty of the

1 court to examine into the necessity for and the reasonableness
2 of the various items of the budget and the amount of the
3 proposed levy. The court shall thereupon make an order approving
4 the budget and levy or reducing or eliminating any one or more
5 of the items of the budget and reducing the levy.

6 If no appeal shall be taken from such order as herein
7 provided, the budget and levy shall remain as constituted by the
8 court.

9 (d) Neither the filing of any such petition, shall act as a
10 supersedeas.

11 (e) The budget and tax levy as approved or revised by the
12 final order of the court shall be the budget and tax levy for
13 such township. Any contract, agreement, or undertaking which
14 relates to an item of the budget which has been attacked in the
15 petition, and which shall be entered into during the pendency of
16 such proceedings, shall be cancelled or made to conform to such
17 budget.

18 If such final order reduces the proposed levy, the
19 supervisors shall revise the tax duplicates in conformity with
20 such order and any levy, made during the pendency of the
21 proceedings, shall be subject to revision in accordance with
22 such order.

23 Section 909. Duplicates; Abatements and Penalties.--The
24 township supervisors shall make or cause a duplicate to be made
25 designating the amount of township tax levied against each
26 taxpayer of the township, and also duplicates for all other
27 taxes levied and assessed under the provisions of this act, and
28 shall deliver the same, within thirty days after the adoption of
29 the budget or within thirty days after receipt of the assessment
30 roll from the county, whichever is later, to the township

1 collector.

2 Section 910. Revolving Fund; Special Tax; Bond Issue.--

3 Townships are hereby empowered to levy and collect annually, a
4 tax upon all property taxable for township purposes, not to
5 exceed five mills on the dollar in any one year, for the purpose
6 of creating and maintaining a revolving fund to be used by such
7 township in making permanent street, sidewalk, water supply, or
8 sewer improvements prior to the collection of the cost and
9 expense, or any part thereof, from the property owners adjoining
10 or abutting thereon by such township under existing laws. Any
11 such revolving fund may also be begun by funds raised through
12 the issuance of general obligation bonds of the township, in the
13 manner provided by law, for the making of permanent street,
14 sidewalk, water supply or sewer improvements.

15 Section 911. Repayments Into Revolving Fund.--When the cost
16 and expense, or any part thereof, of the construction of any
17 permanent street, sidewalk, water supply or sewer improvement,
18 which has been made under existing laws, and which has been
19 aided in its construction from the said revolving fund, hereby
20 provided for, shall have been assessed and collected from the
21 owners of the property adjoining or abutting upon such
22 improvement, it shall be applied to the credit of said revolving
23 fund to the extent of the withdrawal therefrom for such purpose.

24 Section 912. Road Machinery Fund; Special Tax.--Townships
25 are hereby empowered to create a special fund to be known as the
26 road machinery fund and to accumulate therein moneys to be used
27 exclusively for purchasing road machinery. Such special fund may
28 consist of, (1) moneys transferred during any fiscal year from
29 appropriations made from the general township fund; (2) moneys
30 transferred from surplus moneys in the general township fund at

1 the end of any fiscal year; and (3) moneys appropriated to the
2 fund in the annual budget from the receipts of a special tax,
3 not exceeding two mills, which the supervisors may levy and
4 collect for that purpose, annually, upon all property taxable
5 for township purposes.

6 ARTICLE X
7 EMINENT DOMAIN; ASSESSMENT OF
8 DAMAGES AND BENEFITS

9 (a) General Provisions Relating to Eminent Domain

10 Section 1001. Scope of Article.--Whenever under the
11 provisions of this act, the right of eminent domain or the
12 ascertainment and assessment of damages and benefits in viewer
13 proceedings is provided for and vested in a township, the
14 proceeding shall be as set forth in this article.

15 Section 1002. Restrictions as to Certain Property.--In
16 addition to the restrictions made by other provisions of this
17 act in particular cases, no township shall exercise right of
18 eminent domain as against land now occupied by any building
19 which was used during the Colonial or Revolutionary period as a
20 place of Assembly by the Council of the Colony of Pennsylvania,
21 the Supreme Executive Council of the Commonwealth of
22 Pennsylvania, or the Congress of the United States; or as
23 against the land occupied by any fort, redoubt, or blockhouse,
24 erected during the Colonial or Revolutionary period, or any
25 building used as headquarters by the Commander-in-Chief of the
26 Continental Army; or as against the site of any building, fort,
27 redoubt, blockhouse, or headquarters, which are preserved for
28 their historic associations and not for private profit. The
29 Colonial and Revolutionary period shall be taken as ended on the
30 third day of September, one thousand seven hundred and eighty-

1 three.

2 Section 1006. Value of Land or Property Not to Be Assessed
3 as Benefits; Exception.--In all cases of the appropriation of
4 land or property for public use, other than for roads, it shall
5 not be lawful to assess any portion of the damage done to or
6 value of the land or property, so appropriated, against the
7 other property adjoining or in the vicinity of the land or
8 property so appropriated.

9 Section 1016. Title Acquired.--In all cases where land or
10 property is taken under eminent domain proceedings, other than
11 for road purposes, or is acquired by gift, purchase or
12 otherwise, the title obtained by the township shall be in fee
13 simple: Provided, That in particular instances a different title
14 may, by agreement, be acquired.

15 (b) Procedure for the Exercise of Eminent Domain and for the
16 Assessment of Damages and Benefits

17 Section 1024. Assessment of Damages and Benefits.--The
18 damages may be paid in whole or in part by the township, or may
19 be assessed in whole or in part upon the property benefited. In
20 the latter case, the viewers, having first determined the
21 damages apart from the benefits, shall assess the total cost of
22 the improvement, or so much thereof as may be just and
23 reasonable, upon the properties peculiarly benefited, including
24 in the assessment all parties for which damages have been
25 allowed, and shall report the same to the court. The total
26 assessment for benefits shall not exceed the total damages
27 awarded or agreed upon.

28 Section 1025. Assessment Awards.--In proceedings to assess
29 damages and benefits, if the land or property is both benefited
30 and damaged by such improvements, the excess of damages over

benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the owner of land or property affected thereby.

Section 1052. Assessments to Bear Interest.--All assessments for benefits, costs, and expenses shall bear interest at six per centum per annum from the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the township.]

ARTICLE [XI] XXIII

ROADS, STREETS, BRIDGES AND HIGHWAYS

[(a) Laying Out, Opening, Widening, Straightening, Vacating and Relaying Roads, Et Cetera, Repairs and Detours]

Section 2301. Road and Bridge Maintenance, Repair and Construction.--(a) The board of supervisors may purchase or hire materials, equipment, machinery and implements necessary for the construction, repair and maintenance of roads and bridges and make and maintain bridges over streams, gullies, canals and railroads where bridges are necessary for the ease and safety of travelers. The bridges shall be deemed to be a part of the road.

(b) The board of supervisors may, for adequate consideration, construct, reconstruct, improve or maintain driveways on lands owned or occupied by school districts in the township.

(c) The board of supervisors may construct, reconstruct and improve and contract for the construction, reconstruction and improvement of roads in the township.

(d) The board of supervisors may, for adequate consideration, contract with the Commonwealth, a county or a municipal corporation to construct, reconstruct, improve or

1 maintain public roads or highways under the jurisdiction of the
2 Commonwealth, a county or a municipal corporation. Contracts
3 executed under this subsection need not be submitted to the
4 Local Government Commission for review under the act of July 12,
5 1972 (P.L.762, No.180), referred to as the Intergovernmental
6 Cooperation Law.

7 (e) The board of supervisors may employ one or more
8 roadmasters. The roadmasters are subject to removal by the board
9 of supervisors.

10 Section 2302. Duties of Roadmasters.--The roadmasters shall:

11 (1) Report to the board of supervisors any information that
12 may be required by the board of supervisors and by the
13 Department of Transportation.

14 (2) Inspect all roads and bridges as directed by the board
15 of supervisors.

16 (3) Do or direct to be done all work necessary to carry out
17 the responsibilities imposed by the board of supervisors with
18 respect to the maintenance, repair and construction of township
19 roads.

20 Section 2303. Road Complaints.--If any complaint alleges
21 that the public roads and highways of any township are not
22 maintained in accordance with law, the court may appoint three
23 persons who shall examine the highways and report the findings
24 to the court. In these cases, the complainants shall first enter
25 security, in a sum as the court may fix, to pay all costs.

26 [Section 1101. Power to Lay Out, Open, Widen, Vacate, Et
27 Cetera.--The township supervisors may by ordinance enact,
28 ordain, survey, lay out, open, widen, straighten, vacate and
29 relay all roads and parts thereof which are wholly within the
30 township, upon the petition of interested citizens, or without

1 petition if in the judgment of the supervisors, it is necessary.
2 Such power shall include authority to vacate, in whole or in
3 part, roads laid out by the Commonwealth, where the same have
4 remained unopened for a period of thirty years, and also the
5 authority to lay out and open a public road which will be a
6 continuation or extension of a street already opened by an
7 adjacent city, borough or township, and to provide in any
8 ordinance for the vacation of a road, that all or part thereof
9 shall be a private road. The township supervisors may also, by
10 ordinance, enact, ordain, survey, lay out, open, widen,
11 straighten, vacate and relay roads, partly within the township,
12 where similar concurrent action is taken by the authorities of
13 all political subdivisions wherein the road is located.

14 The township supervisors may also, by ordinance, provide for
15 the widening, straightening or improvement of a State highway,
16 with the consent of the Secretary of Highways, by the adoption
17 of a plan therefor, and may expend township funds in connection
18 therewith. The supervisors may adopt a plan of the Department of
19 Highways as the official plan of the township.

20 When any petition is presented to the township supervisors
21 under the provisions of this section and the supervisors fail to
22 act on the petition within sixty (60) days, the petitioners may
23 present their petition to the court of quarter sessions which
24 shall proceed thereon as provided by the general road law.

25 No such road shall be laid out and opened through any burial
26 ground or cemetery, nor through any grounds occupied by a
27 building used as a place for public worship, or as a public or
28 parochial school, or educational or charitable institution, or
29 seminary, unless the consent of the owner or corporation or
30 person controlling the premises is first secured.]

Section 2304. Power to Lay Out, Open, Widen, Vacate, Et

Cetera.--(a) The board of supervisors may, by ordinance, enact, ordain, survey, lay out, open, widen, straighten, vacate and relay all roads and bridges and parts thereof which are located wholly or partially within the township.

(b) The board of supervisors may, by ordinance, provide for the widening, straightening or improvement of a State highway, with the consent of the Department of Transportation, and may spend township funds in connection therewith.

(c) When any petition is presented to the board of supervisors requesting the board of supervisors to open or vacate a specific road in the township and the board of supervisors fails to act on the petition within sixty days, the petitioners may present their petition to the court of common pleas which shall proceed thereon under the act of June 13, 1836 (P.L.551, No.169), referred to as the General Road Law. If the board of supervisors acts on the petition but denies the request of the petition, the board of supervisors shall notify the person designated in the petition of its denial. If the request of the petition is denied, the petitioners, or a majority of them, may, within thirty days after receipt of the notice, petition the court of common pleas for the appointment of viewers and proceedings shall be taken thereon under the General Road Law.

(d) No road shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship or as a public or parochial school, educational or charitable institution or seminary, unless the consent of the owner of the premises is first secured. If the owner is unknown, this prohibition does

1 not apply.

2 [Section 1102. Hearing; Report; Exceptions Thereto; View and
3 Notice.--(a) Prior to the passage of any ordinance for the
4 laying out, opening, changing or vacating of any road or highway
5 or section thereof, the supervisors shall give ten days' written
6 notice to the property owners affected thereby of the time and
7 place when and where all parties interested may meet and be
8 heard. Witnesses may be summoned and examined by the supervisors
9 and by the parties interested at such meeting or any adjournment
10 thereof.

11 (b) After such hearing, should the supervisors, or a
12 majority thereof, decide in favor of exercising the power, so
13 conferred, they shall enact the necessary ordinance and file a
14 copy of such ordinance, together with a draft or survey of the
15 road showing the location and width thereof, in the office of
16 the clerk of court of quarter sessions.

17 (c) Any citizen or free holder of the township may, within
18 thirty days after the filing of the ordinance of the
19 supervisors, upon entering in the court sufficient surety to
20 indemnify them for all costs incurred in the proceedings, file
21 exceptions to the ordinance together with a petition for a
22 review. Thereupon, the court of quarter sessions shall appoint
23 viewers from the county board of viewers for the purpose of
24 reviewing the ordinance and exceptions thereto.

25 (d) After the expiration of the term allowed for filing
26 exceptions, or upon the order of the court upon the disposition
27 of any exceptions, in case the compensation for the damages or
28 benefits accruing therefrom have not been agreed upon, the court
29 of common pleas, or any law judge thereof in vacation, on
30 application by petition by the supervisors, or any person

1 interested, shall appoint three viewers from the county board of
2 viewers to assess the damages and benefits occasioned by the
3 proceeding.

4 (e) All ordinances enacted under the provisions of this
5 section shall be advertised in the same manner as provided for
6 in Article VII., section 702, clause XLI.

7 (f) All petitions shall be acted on within sixty (60) days
8 after the hearing thereon. Within such period, the supervisors
9 shall notify the person designated in the petition of their
10 action thereon. If the prayer of the petition is refused, the
11 petitioners, or a majority of them, may, within thirty days
12 after receipt of the notice, petition the court of quarter
13 sessions for the appointment of viewers and proceedings shall be
14 had thereon in accordance with the general road law.]

15 Section 2305. Hearing; Report; Exceptions Thereto; View and
16 Notice.--(a) Before the passage of any ordinance for the laying
17 out, opening, changing or vacating of any road or highway or
18 section thereof, the board of supervisors shall give ten days'
19 written notice to the owners of property adjacent to the road or
20 portions thereof involved of the time and place set for a
21 hearing on the proposed ordinance.

22 (b) If the board of supervisors votes in favor of exercising
23 the power, it shall enact the necessary ordinance and file a
24 copy of the ordinance, together with a draft or survey of the
25 road showing the location and width thereof, in the office of
26 the clerk of the court of common pleas.

27 (c) Any resident or property owner affected by the ordinance
28 may, within thirty days after the enactment of the ordinance of
29 the board of supervisors, upon entering in the court sufficient
30 surety to indemnify the board of supervisors for all costs

1 incurred in the proceedings, file exceptions to the ordinance
2 together with a petition for a review. Upon receipt of the
3 exception and surety, the court of common pleas shall appoint
4 viewers from the county board of viewers for the purpose of
5 reviewing the ordinance and exceptions thereto.

6 (d) After the expiration of the term allowed for filing
7 exceptions or upon the order of the court upon disposition of
8 any exceptions, the court of common pleas, on application by
9 petition by the board of supervisors or any person interested,
10 shall appoint three viewers from the county board of viewers to
11 assess the damages and benefits occasioned by the proceeding
12 unless the damages and benefits are otherwise agreed upon.

13 [Section 1103. Width of Public Roads.--The width of a public
14 road in townships of the second class shall not be less than
15 thirty-three feet or more than one hundred and twenty feet:
16 Provided, That when the public road desired to be opened is in a
17 built up section of any township of the second class, of the
18 type commonly known as an alley, and is not an integral part of
19 a through route, the minimum width may be fifteen feet: And,
20 provided, That the limits of width shall not be construed to
21 include the width required for necessary slopes in cuts or
22 fills, when the limits of the road and the extra width required
23 for such slopes exceed the limits of width herein specified.]

24 Section 2306. Width of Public Roads.--The width of the
25 right-of-way of a public road in townships shall not be less
26 than thirty-three feet or more than one hundred and twenty feet,
27 and the width of the right-of-way of alleys opened by the
28 township as public roads shall not be less than fifteen feet.
29 The minimum required width shall be in addition to any width
30 required for necessary slopes in cuts or fills.

1 [Section 1104. Laying Out Roads Under the General Road
2 Law.--All roads may be laid out, widened, changed or vacated by
3 the courts of quarter sessions, as heretofore in the manner
4 provided by the general road law and the amendments, additions,
5 and supplements thereto. All damages and benefits occasioned by
6 such laying out, and the subsequent opening thereof, or by any
7 such widening, changing or vacation shall be assessed, collected
8 and paid in the manner provided by the general road law and the
9 amendments, additions and supplements thereto.

10 (b) Certain Roads Declared to Be Public Roads

11 Section 1105. Certain Roads Declared Public Roads.--Every
12 road not of record which has been used for public travel and
13 maintained and kept in repair by the expenditure of township
14 funds for a period of at least twenty-one years and upwards
15 shall be deemed to be a public road of the width of thirty-three
16 feet notwithstanding the fact that there is no public record of
17 the laying out of such road or a dedication thereof for public
18 use. In all such cases the lawful laying out and opening or
19 dedication of such roads of the width hereinbefore specified
20 shall be conclusively presumed.]

21 Section 2307. Certain Roads Declared Public Roads.--Every
22 road which has been used for public travel and maintained and
23 kept in repair by the township for a period of at least twenty-
24 one years is a public road having a right-of-way of thirty-three
25 feet even though there is no public record of the laying out or
26 dedication for public use of the road.

27 [(c) Opening and Repairing Roads, Detours, Et Cetera

28 Section 1110. Opening, Repairing and Closing Roads.--Public
29 roads in townships shall, as soon as may be practicable, be
30 effectually opened and constantly kept in repair. All public

1 roads shall at all seasons be kept reasonably clear of all
2 impediments to easy and convenient traveling at the expense of
3 the township.

4 The supervisors of any township may temporarily close any
5 township road when, in their opinion, excessive or unusual
6 conditions have rendered such road unfit or unsafe for travel
7 and immediate repair, because of the time of year or other
8 conditions, is impracticable. The road or portion of road so
9 closed shall be properly marked at its extremities and a means
10 of passage for the customary users of such road shall, whenever
11 possible, be provided.

12 Anyone using such road or portion thereof after the same has
13 been properly closed and marked, without a permit from the
14 supervisors, shall upon conviction thereof in a summary
15 proceeding, pay a fine of not more than one hundred dollars, and
16 in default of the payment of such fine and costs, shall be
17 sentenced to imprisonment of not more than ten days. All fines
18 so recovered shall be payable to the general township fund.]

19 Section 2308. Opening, Repairing and Closing Roads.--(a)
20 All public roads shall at all seasons be kept reasonably clear
21 of all impediments to easy and convenient traveling at the
22 expense of the township.

23 (b) The board of supervisors may temporarily close any
24 township road when it determines that conditions have rendered
25 that road unfit or unsafe for travel and immediate repair or
26 maintenance, because of the time of year or other conditions, is
27 impracticable. The road or portion of road closed shall be
28 properly marked at its extremities, and a means of passage for
29 the customary users of the road shall, when possible, be
30 provided.

1 (c) Anyone using the road or portion thereof after the road
2 has been properly closed and marked, without a permit from the
3 board of supervisors, commits a summary offense. All fines
4 recovered are payable to the general township fund. Persons who
5 have no outlet due to the closing of a road may drive on, over
6 or across the road with the written consent of, and subject to
7 conditions imposed by, the board of supervisors or their agents
8 or contractors without being subject to the penalties imposed by
9 this section.

10 [Section 1111. Time Within Which Roads to Be Opened.--
11 Whenever proceedings have been heretofore or may hereafter be
12 begun for the opening and laying out of any public road in any
13 township, such public road shall be physically opened upon the
14 ground for use by the public within a period of five years next
15 after the completion of such proceeding, and if not so opened,
16 or if no proceedings have been commenced to compel such opening
17 in five years, then such proceedings shall be deemed to be void
18 and of no effect, and the land proposed to be taken shall revert
19 to the owners of the land, as in the case of the vacation of a
20 public road free of any easement or right of the public to use
21 the same.]

22 Section 2309. Time Within Which Roads to be Opened.--When
23 proceedings have been initiated under this act for the opening
24 and laying out of any public road in the township, the road
25 shall be physically opened for use by the public within a period
26 of five years after completion of the proceeding. If the road is
27 not opened or if no proceedings have been commenced to compel
28 the opening in five years, then the proceedings are void and the
29 land proposed to be taken shall revert to the owners of the land
30 free of any easement or right of the public to use the land.

1 [Section 1112. Detours.--Except in the case of emergencies
2 wherein the safety of the public would be endangered, no public
3 road of any township shall be closed to vehicular traffic,
4 except upon order of the supervisors having charge of the
5 maintenance of such public road, nor for a longer period than is
6 necessary for the purpose for which such order is issued:
7 Provided, however, That no public road shall be closed to
8 vehicular traffic when the same has been designated as a detour
9 by the State Department of Highways, unless the written consent
10 of the State Department of Highways has first been obtained, or
11 unless the supervisors having jurisdiction over said road shall,
12 by resolution duly recorded on their minutes, declare such
13 closing necessary for the protection of the public safety.

14 When any public road shall be closed, as hereinbefore
15 provided, it shall be the duty of the supervisors authorizing
16 the closing immediately to designate or lay out a detour, on
17 which they shall erect or cause to be erected and maintained
18 while such detour is in use legible direction signs at each
19 public road intersection throughout its entire length. During
20 the period when such detour is in use, it shall be the duty of
21 the supervisors closing the road to maintain such detour in safe
22 and passable condition, except in the case of State and county
23 highways. It shall also be the duty of the supervisors closing
24 the road and maintaining the detour immediately to remove all
25 detour signs when the road originally closed is open for
26 traffic. Except in the case of State and county highways, said
27 supervisors shall, as soon as possible, repair the road
28 designated as a detour, and place same in a condition at least
29 equal to its condition when designated as a detour. Whenever
30 necessary in the creation of a detour, as aforesaid, the

1 supervisors responsible for laying out the detour may acquire by
2 agreement, or right of eminent domain, right-of-way privileges
3 over private property for the period when the road shall be
4 closed to traffic. In the exercise of the rights conferred by
5 this section, the supervisors are hereby empowered to pay for
6 the necessary maintenance, subsequent repair, and land rental
7 out of such funds as are available for the construction and
8 maintenance of the roads in their charge.

9 Any person who shall wilfully remove, deface, destroy or
10 disregard any barricade, light, danger sign, detour sign, or
11 warning of any other character whatsoever, erected or placed
12 under authority of this section, or who shall drive on, over or
13 across any road which has been properly closed, shall, upon
14 conviction thereof in a summary proceeding before a justice of
15 the peace, be sentenced to pay a fine of not more than one
16 hundred dollars, and the costs of prosecution, and, in default
17 of the payment thereof, shall be imprisoned one day for each
18 dollar of fine and costs unpaid: Provided, however, That persons
19 who have no outlet due to the closing of a road may drive on,
20 over or across such road with the consent in writing of, and
21 subject to such conditions as may be prescribed by, the
22 supervisors or their agents or contractors, without being
23 subject to the penalties imposed by this section.

24 In addition to the penalties imposed by this section, the
25 supervisors responsible for the maintenance of a road which has
26 been closed to vehicular traffic, or their agents or
27 contractors, may in an action at law, recover damages from any
28 person or persons who have damaged a road by driving on, over or
29 across same when it is closed to vehicular traffic in accordance
30 with the provisions of this act.

1 All fines and moneys collected under the provisions of this
2 section shall be paid by the officer receiving the same to the
3 treasurer of the township in which the offense was committed and
4 credited to the general township fund.]

5 Section 2310. Detours.--(a) Except for emergencies, no
6 public road shall be closed to traffic except upon order of the
7 board of supervisors, and no public road shall be closed to
8 traffic when it has been designated as a detour by the
9 Department of Transportation unless the written consent of the
10 Department of Transportation is first obtained or unless the
11 board of supervisors, by resolution, declares the closing
12 necessary for the protection of the public safety.

13 (b) When any public road is closed, the board of supervisors
14 shall designate a detour on which shall be erected and
15 maintained while the detour is in use legible direction signs at
16 each public road intersection through the length of the detour.
17 When the detour is in use, the board of supervisors shall
18 maintain the detour in safe and passable condition, except for
19 State and county highways. The board of supervisors shall
20 immediately remove all detour signs when the road that was
21 originally closed is open for traffic. Except for State and
22 county highways, the board of supervisors may acquire, by
23 agreement or right of eminent domain, right-of-way privileges
24 over private property for the period when the road is closed to
25 traffic. In the exercise of the rights conferred by this
26 section, the board of supervisors may pay for the necessary
27 maintenance, subsequent repair and land rental.

28 (c) Any person who removes, defaces, destroys or disregards
29 any barricade, light, danger sign, detour sign or warning of any
30 other character whatsoever erected or placed under authority of

this section or who drives on, over or across any road which has
been properly closed commits a summary offense.

(d) In addition to the penalties imposed by this section,
the board of supervisors may, in an action at law, recover
damages from any person or persons who have damaged a road by
driving on the road when it is closed to vehicular traffic under
this act.

(e) All fines and moneys collected under this section shall
be paid to the township treasurer.

[(d) Relocating or Vacating Roads by Agreement
with Property Owners

Section 1115. Relocating or Vacating Roads by Agreement.--
Whenever the supervisors of any township deem it advisable to
relocate any part of any public road under their supervision, or
to vacate any abandoned portion of a State highway not vacated
by the Department of Highways, and can agree with the property
owners affected by such relocation or vacation, they may
relocate or vacate such part of such public road, as
contemplated in such agreement, without the formality of a view.

A petition setting forth the facts regarding such relocation
or vacation accompanied by a map or draft of the same, shall be
presented to the court of quarter sessions for approval before
such actual relocation or vacation is made; whereupon the new
location, approved by the court, shall be taken to be the public
road and the old location shall be vacated, or the abandoned
State highway shall be vacated, as the case may be.]

Section 2311. Relocating or Vacating Roads by Agreement.--
(a) When the board of supervisors relocates or vacates any part
of any public road under its supervision and can agree with the
property owners affected by the relocation or vacation, it may

1 relocate or vacate the public road without the formality of a
2 view.

3 (b) A copy of the agreement setting forth the facts
4 regarding the relocation or vacation, accompanied by a map or
5 draft of the road agreed to be relocated or vacated, shall be
6 presented and recorded in the office of the recorder of deeds or
7 similar office in home rule counties after which the new
8 location is the public road or the old location is vacated.

9 [(e) Elimination of Curves

10 Section 1120. Elimination of Curves.--Any township may
11 acquire, by purchase or by the right of eminent domain, any such
12 property and lands situate along or adjacent to any township
13 road, as, in the opinion of the supervisors of such township,
14 may be necessary to eliminate dangerous curves and widen narrow
15 roads for the better protection and safety to the traveling
16 public.

17 Upon any such purchase or condemnation the supervisors may,
18 from time to time, abate or remove, or cause to be abated or
19 removed, any such dangerous curve or curves, or widen such
20 narrow road to the extent of the property and land so acquired.

21 The proceedings for the condemnation of such property or land
22 under the provisions of this section, and for the assessment of
23 damages for property or land taken, injured or destroyed, shall
24 be taken in the manner provided by this act for the condemnation
25 of land by townships.]

26 Section 2312. Elimination of Curves; Acquisition of Views.--

27 (a) Any township may acquire, by purchase or by the right of
28 eminent domain, any property and lands along or adjacent to any
29 township road that may be necessary to eliminate dangerous
30 curves and widen roads and provide a free and unobstructed view

1 over lands located at or near the intersection of any two roads
2 or highways, or a road and a railroad or railway, or at any
3 curve in any road, for the better protection and safety to the
4 traveling public.

5 (b) The proceedings for the condemnation of the property or
6 land and for the assessment of damages for property or land
7 taken, injured or destroyed shall be taken under Article XXXIV.

8 [(f) Acquisition of Unobstructed Views at
9 Curves and Intersections

10 Section 1125. Acquisition of Views.--Any township may
11 acquire, by purchase or by the right of eminent domain, a free
12 and unobstructed view down and across such lands located at or
13 near the intersection of any two roads or highways, or a road
14 and a railroad or railway, or at any curve in any road, as may
15 be necessary to assure a free and unobstructed view in all
16 directions at such crossings or curves, and to so prevent the
17 use of such lands for any purpose or in any manner which may
18 interfere with or obstruct the vision of persons traveling upon
19 any such highways.

20 Upon any such condemnation, the township, having had such
21 view condemned may, from time to time, abate or remove, or cause
22 to be abated or removed, any obstruction to such view over and
23 across such lands.

24 The proceedings for the condemnation of such view over and
25 across such lands and for the assessment of damages for property
26 taken, injured or destroyed shall be taken in the manner
27 provided in this act.

28 Upon the condemnation of such a view, the owner of such lands
29 may make every such use thereof as will not interfere with a
30 free and unobstructed view at such dangerous crossing or curve,

1 and, unless specially provided for in such condemnation
2 proceedings, such condemnation shall not be construed to prevent
3 the owner thereof from using such land for pasture or the
4 growing of grass, oats, wheat, or other crops which will not
5 obstruct the vision more than wheat.

6 (g) Relocation, Alteration and Vacation of Roads
7 in or near State Parks

8 Section 1130. Agreements to Relocate, Alter and Vacate Roads
9 in or near State Parks.--Whenever a public road or highway
10 within a park or public grounds, title to which park or public
11 grounds is vested in the State of Pennsylvania, is laid out,
12 located, relocated, altered or vacated in such manner that a
13 public road approaching, leading into, or contiguous to such
14 park or public grounds shall become either useless,
15 inconvenient, or burdensome, such public road approaching,
16 leading into, or contiguous to such park or public grounds may
17 be altered, relocated, or vacated by the township supervisors
18 charged with the duty of maintaining such road, in whole or in
19 part, for the purpose of making it convenient and suitable as an
20 approach to the roads and highways within said park or public
21 grounds, upon the consent and agreement of (a) the commissioners
22 or officials charged with the care and management of said park
23 or public grounds; (b) the township supervisors charged with the
24 duty of maintaining said roads approaching, leading into, or
25 contiguous to said park or public grounds; and (c) the property
26 owners owning the majority of the frontage of land abutting upon
27 the relocated portion of the road approaching, leading into, or
28 contiguous to said park or public grounds.

29 Section 1131. Agreement to Be Filed in Court; Effect of
30 Filing.--The filing of such consent and agreement in the court

1 of quarter sessions of the county or counties in which the
2 altered, relocated or vacated road is situate, shall have the
3 same force and effect as the filing and the approval and
4 absolute confirmation by the court of quarter sessions of a
5 report of viewers appointed in accordance with the general road
6 law, and shall have the same force and effect as though said
7 viewers had laid out, located, relocated, altered or vacated
8 such road in accordance with the agreement filed as aforesaid,
9 and the report of said viewers had been filed, approved and
10 absolutely confirmed by the court.

11 The filing of said agreement in the court of quarter sessions
12 shall be conclusive as to the question of the necessity for the
13 laying out, location, relocation, alteration or vacation of said
14 road as contained in the said agreement, and that the portion or
15 portions of said road abandoned or vacated were useless,
16 inconvenient and burdensome.

17 Section 1132. Altered and Relocated Roads Declared Township
18 Roads.--Such road, when altered or relocated, shall be
19 maintained and repaired in the same manner as other township
20 roads are maintained and repaired.

21 Section 1133. Assessment of Damages.--The owner of any land,
22 through which any public road may be so located, may apply by
23 petition to the court of quarter sessions of the proper county,
24 setting forth the injury which has been sustained by reason of
25 the relocation of the said public road, and the proceedings
26 relative to the assessment and payment of damages of said
27 landowner shall be in accordance with the provisions of this act
28 for eminent domain proceedings.]

29 Section 2313. Roads in or Near Public Parks.--(a) The board
30 of supervisors may contract with the Commonwealth, a county or a

1 municipal corporation owning and operating parks inside the
2 township to establish, relocate, alter or vacate public roads
3 inside or contiguous to those parks. The board of supervisors
4 shall take no action with respect to the public roads without
5 the written consent and agreement of the Commonwealth, county or
6 municipal corporation owning and operating the parks. Any road,
7 when altered or relocated under this section, shall be
8 maintained and repaired the same as other township roads.

9 (b) The agreement shall be adopted by ordinance, and, within
10 thirty days, the road shall be a public road of the township.

11 (c) The owner of any land through which any public road may
12 be located or relocated may apply by petition to the court of
13 common pleas, setting forth the injury which has been sustained
14 by reason of the relocation of the public road, and the
15 proceedings relative to the assessment and payment of damages of
16 the landowner shall be under this act for eminent domain.

17 [(h) Grading or Paving Streets or Roads Upon Petition
18 of Property Owners

19 Section 1135. Petition of Property Owners.--Any township may
20 grade, curb, gutter, pave or otherwise improve, with brick,
21 stone or any suitable materials, any public street or road, or
22 part thereof, laid out and opened in the township. Such work may
23 be done by employes of the township or by contract, as the board
24 of supervisors shall determine. No street or road, or any part
25 thereof, shall be improved under the provisions of this section,
26 except upon the petitions of owners of property representing a
27 majority in number of feet front of the properties abutting on
28 the street or road, or part thereof, proposed to be improved.

29 Section 1136. Assessment of Cost by Foot Front Rule.--The
30 cost and expense of such improvement may be collected from the

1 owners of the real estate abutting on such street or highway, or
2 part thereof, by an equal assessment on the feet front. Such
3 assessment shall be estimated by the township engineer, or if
4 there be no engineer, by other competent authority designated by
5 the township supervisors.

6 Section 1137. Collection of Assessments.--All such
7 assessments for improvement shall be filed with the secretary of
8 the board of supervisors. The secretary shall give thirty days'
9 written or printed notice that the assessments are due and
10 payable to each party assessed, either by service on the owner
11 or agent or left on the assessed premises. If the assessments,
12 or any of them, remain unpaid at the expiration of said thirty
13 days, they shall be placed in the hands of the township
14 solicitor for collection. The solicitor shall collect the same,
15 together with five per centum additional as attorney's
16 commission and interest from the completion of the improvement,
17 by a municipal claim filed against the delinquent owner in like
18 manner as municipal claims are now collected. When an owner has
19 two or more lots against which there is an assessment for the
20 same improvements, all such lots shall be embraced in one claim.

21 Section 1138. Owner Defined.--The term "owner," as used in
22 subdivision (h) of this act, means all individuals,
23 corporations, public or private, copartnerships, and
24 associations, having title in the property assessed. If the
25 owner to whom notice is required to be given is a non-resident
26 of the township, and his, her, or their place of residence is
27 unknown, or if the ownership of the property cannot be
28 ascertained, the notice shall be posted on the premises and a
29 copy left with the occupant, if there be one.]

30 Section 2314. Petition of Property Owners for

1 Improvements.--(a) Any township may improve any public street
2 in the township upon the petition of property owners
3 representing a majority in number of feet front of the
4 properties abutting on the street proposed to be improved at the
5 expense of the property owners.

6 (b) The cost of the improvement may be collected from the
7 owners of the real estate abutting on the street or highway, or
8 part thereof, by an equal assessment on the foot-front basis.

9 (c) The assessments for improvement shall be filed with the
10 township treasurer under section 3302(a).

11 (d) The term "owner," as used in this section, means all
12 individuals and public or private corporations, copartnerships
13 and associations having title in the assessed property. If the
14 owner is a nonresident of the township and the place of
15 residence is unknown or if the ownership of the property cannot
16 be ascertained, the notice shall be posted on the premises and a
17 copy shall be left with the occupant, if any.

18 Section 2315. Improvements Without Petition.--(a) The board
19 of supervisors may, by ordinance, provide for the construction,
20 reconstruction, repair or other improvements to any public
21 street in the township.

22 (b) The cost of improvements may be collected from the
23 owners of the real estate abutting on the street or highway, or
24 part thereof, by an equal assessment on the foot-front basis,
25 but in no instance shall any abutting property owner be liable
26 for the cost of improvements in an amount greater than fifteen
27 percent of the assessed valuation of the abutting property. Any
28 expense above the maximum liability of abutting property owners
29 shall be paid by the township.

30 (c) All assessments for improvements shall be filed with the

1 township treasurer under section 3302(a).

2 (d) If abutting property owners fail to pay the expenses of
3 the improvements for which they are liable, the board of
4 supervisors may recover the amount by action of assumpsit or may
5 file municipal liens therefor against the abutting properties
6 under law for the filing and collection of municipal liens.

7 [(i) Deeds of Dedication; Dedicated Roads, Streets and
8 Drainage Facilities

9 Section 1140. Acceptance of Land Dedicated by Deed for Road
10 Purposes.--The supervisors of any township may accept by
11 resolution in the name of the township, any land dedicated by
12 deed to the township to be used as a road, street or alley. A
13 copy of such resolution, together with a draft or survey of the
14 road, street or alley, showing location and width thereof, shall
15 be filed in the office with the clerk of quarter sessions
16 court.]

17 Section 2316. Acceptance of Land for Road Purposes.--(a)
18 The board of supervisors may, by resolution, accept any land
19 dedicated by deed to the township to be used as a road, street
20 or alley. A copy of the resolution, together with a draft or
21 survey of the road, street or alley, showing location and width
22 thereof, shall be filed with the clerk of the court of common
23 pleas.

24 (b) When plans of dedicated roads, streets or alleys located
25 in townships have been approved and recorded under this article,
26 the board of supervisors may, by resolution, accept any roads,
27 streets or alleys as public roads if shown in the plans as
28 dedicated to that use and if the roads or streets are not less
29 than thirty-three feet in width and the alleys are not less than
30 fifteen feet in width.

1 (c) Upon the filing with the clerk of court of common pleas
2 of the county a certified and attested copy of the resolution,
3 the roads, streets or alleys become a part of the public road
4 system of the township and shall be so recorded in the court.

5 [Section 1140.1. Plans of Dedicated Roads and Streets.--No
6 person shall construct, open, or dedicate any road, or any
7 drainage facilities in connection therewith, for public use or
8 travel in any township, without first submitting plans thereof
9 to the township supervisors for their approval. Such plans shall
10 be prepared in duplicate in accordance with such rules and
11 regulations as may be prescribed by the supervisors, and shall
12 show the profiles of such roads, the course, structure, and
13 capacity of any drainage facilities, and the method of drainage
14 of the adjacent or contiguous territory, and also any other
15 further details that may be required under the rules or
16 regulations adopted by the township supervisors. Before acting
17 upon any such plans, the supervisors may, in their discretion,
18 arrange for a public hearing, after giving such notice as they
19 may deem desirable in each case. The township supervisors are
20 authorized to alter such plans, and to specify any changes or
21 modifications of any kind, which they, in their discretion, may
22 deem necessary with respect thereto, and may make their approval
23 of such plans subject to any such alterations, changes or
24 modifications. Any plans when so approved shall be signed in
25 duplicate on behalf of the township by the supervisors and an
26 approved duplicate copy shall be filed with the secretary of the
27 township, who shall make the same available to public
28 inspection. No road or drainage facilities in connection
29 therewith, shall be opened, constructed, or dedicated for public
30 use or travel, except in strict accordance with plans so

1 approved by the supervisors, or with further plans subsequently
2 approved by them in the same manner, and until such plan and the
3 approval thereof has been recorded as hereinafter provided.

4 Section 1141. Appeals Where Supervisors Refuse Approval;
5 Recording of Approval and Plans.--(a) In any case where the
6 township supervisors shall refuse to approve any plans submitted
7 to them in accordance with this subdivision, any person
8 aggrieved by the action of the supervisors may, within thirty
9 days after such action, appeal therefrom by petition to the
10 court of quarter sessions of the county, which court shall hear
11 the matter de novo, and, after hearing, may enter a decree
12 affirming, reversing, or modifying the action of the supervisors
13 as may appear just in the premises. The court shall designate
14 the manner in which notices of the hearing of any such appeal
15 shall be given to all parties interested. The decision of the
16 court shall be final.

17 (b) The action of the township supervisors, or of the court
18 on appeal, in approving any such plans, and an approved
19 duplicate copy of such plans, shall be recorded by the person
20 applying for such approval in the office of the recorder of
21 deeds of the county.

22 It shall be unlawful for any person to present to the
23 recorder of deeds, or any employe thereof, any such plan which
24 has not been approved by the township supervisors. Such approval
25 shall be so indicated on the plan presented for recording. No
26 recorder of deeds, or any employe thereof, shall record any such
27 plan unless it has been so approved.

28 Section 1142. No Responsibility on Township Where Plans Not
29 Approved.--If any road or any drainage facilities in connection
30 therewith, shall be opened, constructed, or dedicated for public

1 use or travel, except in strict accordance with plans approved
2 and recorded as herein provided, neither the township
3 supervisors nor any public authorities shall place, construct,
4 or operate any sewer, drain, water pipe or other facilities, or
5 do any work of any kind, in or upon such road; and neither the
6 township supervisors nor any other public authorities, shall
7 have any responsibility of any kind with respect to any such
8 road or drainage facilities, notwithstanding any use of the same
9 by the public: Provided, however, That nothing herein contained
10 shall prevent the laying of trunk sewers, drains, water or gas
11 mains, if required by engineering necessity for the
12 accommodation of other territory.

13 Section 1143. Entry on Lands by Supervisors.--The township
14 supervisors and their representatives and workmen may enter upon
15 any land and property, and maintain marks and monuments, so far
16 as the supervisors deem necessary in carrying out their powers
17 and duties under this subdivision.

18 Section 1144. Penalty.--Any person, copartnership or
19 corporation who or which shall construct, open or dedicate any
20 road or any drainage facilities in connection therewith, for
21 public use or travel in any township, without having first
22 complied with the provisions of section 1140 of this act, and of
23 any resolutions of the township authorities adopted pursuant
24 hereto, shall be guilty of a misdemeanor, and, upon conviction
25 thereof, such person or the members of such copartnership or the
26 officers of such corporation, responsible for such violation,
27 shall be sentenced to suffer imprisonment not exceeding two
28 years, or pay a fine not exceeding one thousand dollars, or
29 both, in the discretion of the court.

30 Section 1145. Effect of Approval of Plans.--No approval of

1 plans by a township shall obligate or require any such township
2 to construct, reconstruct, maintain, repair, or grade such
3 roads, until and unless authorized and ordered so to do by the
4 proper court pursuant to the provisions of this subdivision.]

5 Section 2317. Approval of Plans.--(a) No person shall
6 construct, open or dedicate any road or any drainage facilities
7 for public use or travel without first submitting plans thereof
8 to the board of supervisors for its approval. The plans shall be
9 prepared under rules and regulations adopted by the board of
10 supervisors and shall show the profiles of the roads, the
11 course, structure and capacity of any drainage facilities, the
12 method of drainage of the adjacent or contiguous territory and
13 any other details that may be required under the rules or
14 regulations adopted by the board of supervisors. The board of
15 supervisors may alter the plans and specify any changes or
16 modifications of any kind and may make its approval of the plans
17 subject to those alterations, changes or modifications. The
18 plans when so approved shall be signed by the board of
19 supervisors and a copy shall be filed with the secretary of the
20 township. No road or drainage facilities shall be opened,
21 constructed or dedicated for public use or travel except in
22 compliance with plans approved by the board of supervisors and
23 until the approved plan is recorded as required in this section.

24 (b) If the board of supervisors refuses to approve any plans
25 submitted to it under this section, any person aggrieved by the
26 action of the board of supervisors may, within thirty days,
27 appeal to the court of common pleas. The court shall hear the
28 matter de novo and, after hearing, may enter a decree affirming,
29 reversing or modifying the action of the board of supervisors.

30 (c) The action of the board of supervisors, or of the court

1 on appeal, in approving any plans shall be recorded by the
2 person applying for the approval in the office of the recorder
3 of deeds of the county.

4 (d) No person shall present to the recorder of deeds any
5 plan which has not been approved by the board of supervisors.
6 Approval shall be so indicated on the plan presented for
7 recording.

8 (e) If any road or any drainage facilities are opened,
9 constructed or dedicated for public use or travel, except in
10 compliance with plans approved and recorded, neither the board
11 of supervisors nor any public authorities shall be required to
12 place, construct or operate any sewer, drain, water pipe or
13 other facilities, or do any work of any kind, in or upon that
14 road; and neither the board of supervisors nor any other public
15 authorities have any responsibility of any kind with respect to
16 the road or drainage facilities even if they are in use by the
17 public. Nothing in this act shall prevent the laying of trunk
18 sewers, drains or water or gas mains if required by engineering
19 necessity for the accommodation of other territory.

20 (f) Any person who constructs, opens or dedicates any road
21 or any drainage facilities in connection therewith for public
22 use or travel in any township without having first complied with
23 this section and any resolutions of the board of supervisors
24 commits a misdemeanor of the third degree and is subject to a
25 suit for all costs and damages incurred by the township or
26 property owners in the course of correcting all substantive
27 violations of State or municipal law or regulations resulting
28 from or arising out of the unlawfully recorded plan. All fines
29 and moneys so recovered shall be paid to the township treasurer.

30 (g) No approval of plans by the board of supervisors shall

1 obligate or require the township to construct, reconstruct,
2 maintain, repair or grade the roads.

3 Section 2318. Markers and Monuments.--The board of
4 supervisors and its agents may enter any land and property and
5 maintain marks and monuments in carrying out its powers and
6 duties under this article.

7 [Section 1146. Powers of State and Counties Preserved.--
8 Nothing contained in this subdivision shall be held to restrict
9 or limit the State Department of Highways, or any county, in the
10 exercise of any of its duties, powers and functions under the
11 provisions of any act of Assembly now in force or hereafter to
12 be enacted.]

13 Section 2319. Powers of State and Counties Preserved.--
14 Nothing contained in this article shall be held to restrict or
15 limit the Department of Transportation or any county in the
16 exercise of any of its duties, powers and functions under any
17 State law.

18 [Section 1147. Taking Over of Roads, Streets, and Alleys
19 Heretofore Dedicated as Public Roads.--Whenever plans of
20 dedicated roads, streets, or alleys located in second class
21 townships have been approved, and recorded, as provided in
22 section 1140.1 and 1411 the board of supervisors of any such
23 township may accept by resolution any roads, streets, or alleys,
24 as public roads, if shown in said plans as dedicated to such
25 use; and provided the roads or streets shall be not less than
26 thirty-three feet in width, and the alleys not less than fifteen
27 feet in width, said acceptance to be evidenced by a resolution
28 of the said board of supervisors, properly describing said
29 roads, streets, or alleys and adopted by a majority thereof by a
30 vote duly recorded and entered upon the minutes of said board.

1 Upon the filing with the clerk of courts of quarter sessions of
2 the county, in which said township shall be situate, a certified
3 and attested copy of said resolution, such roads, streets, or
4 alleys shall be and become a part of the public road system of
5 said township, and shall be so recorded in said court of quarter
6 sessions.

7 Section 1148. Scope of Subdivision (i).--The provisions of
8 this subdivision (i) of Article XI shall be applicable only in
9 cases where a township shall fail to adopt and enforce land
10 subdivision regulations as provided in Article XII-A of this
11 act, and to situations not covered by such regulations.

12 (j) Entry on Private Property to Secure Road Material
13 and to Open Ditches and Drains

14 Section 1150. Power to Enter on Lands.--When road material
15 cannot be conveniently obtained by contract at reasonable
16 prices, the supervisors of a township may enter upon any land or
17 enclosure within their township lying near the road, and dig,
18 gather, and carry upon the road any stones, sand, gravel or
19 other road material which they think necessary to make,
20 maintain, or repair the road. In exercising such right, they
21 shall do no unnecessary damage to the land, and shall repair any
22 breaches of fences which they make.

23 Section 1151. Viewers to Fix Damages.--Whenever the
24 supervisors and the owners of the land cannot agree upon the
25 damages, the same shall be assessed by viewers to be appointed
26 and to make report as provided in this act in the case of
27 eminent domain proceedings.

28 Section 1152. Power to Open Drains and Ditches.--The
29 township supervisors may enter upon any lands or enclosures, and
30 cut, open, maintain, and repair such drains or ditches through

1 the same as, in their judgment, are necessary to carry the water
2 from the roads.

3 Any person who shall stop, fill up, or injure any such drain
4 or ditch, or shall divert or change the course thereof, without
5 the authority of the supervisors, shall, upon conviction thereof
6 in a summary proceeding, pay a fine of not more than twenty-five
7 dollars for each such offense, together with the cost of
8 restoring such drain or ditch, and, in default of the payment of
9 such fine and costs, shall be sentenced to imprisonment of not
10 more than ten days. All fines and moneys so recovered shall be
11 paid to the township treasurer.]

12 Section 2320. Power to Open Drains and Ditches.--(a) The
13 board of supervisors or its agents may enter any lands or
14 enclosures and cut, open, maintain and repair drains or ditches
15 through the property when necessary to carry the water from the
16 roads.

17 (b) Any person who damages or diverts any drain or ditch
18 without the authority of the board of supervisors commits a
19 summary offense and is liable for the cost of restoring the
20 drain or ditch. All fines and moneys so recovered shall be paid
21 to the township treasurer.

22 [(k) Roads Crossing Railroads; Special Uses of Roads

23 Section 1155. Railroad Crossings.--Every township
24 constructing a road across a railroad shall construct the same
25 above or below the grade thereof, unless permitted by the Public
26 Utility Commission to construct the same at grade.

27 Any such crossing of a railroad by a road, or any vacation of
28 any road crossing a railroad, shall be constructed only in the
29 manner prescribed by and under the jurisdiction of the Public
30 Utility Commission. In such cases compensation for damages to

1 the owners of adjacent property taken, injured or destroyed,
2 shall be ascertained, fixed and paid in the manner prescribed in
3 the Public Utility Law.]

4 Section 2321. Railroad Crossings.--(a) Every township
5 constructing a road across a railroad shall construct the road
6 above or below the grade thereof unless permitted by the
7 Pennsylvania Public Utility Commission to construct the road at
8 grade.

9 (b) Any crossing of a railroad by a road or any vacation of
10 any road crossing a railroad shall be made only under the
11 jurisdiction of the Pennsylvania Public Utility Commission.
12 Compensation for damages to the owners of adjacent property
13 taken, injured or destroyed shall be determined under 66 Pa.C.S.
14 (relating to public utilities).

15 [Section 1156. Permits.--No railroad or street railway shall
16 hereafter be constructed upon any township road, nor shall any
17 railroad or street railway crossings, nor any gas pipe, water
18 pipe, electric conduits, or other piping, be laid upon or in,
19 nor shall any telephone, telegraph, or electric light or power
20 poles, or any coal tipples or any other obstructions be erected
21 upon or in, any portion of a township road except under such
22 conditions, restrictions and regulations relating to the
23 installation and maintenance thereof, as may be prescribed in
24 permits granted by the township for such purpose. Each
25 application shall be submitted to the township, in duplicate, or
26 such larger number as the township may require. The township
27 shall prescribe a fee as determined by the Department of
28 Transportation payable to the township not exceeding the
29 approximate reasonable cost of processing the application, and
30 another fee payable to the township not exceeding the

1 approximate reasonable cost of making the first inspection
2 hereafter described. Each application shall be accompanied by
3 both fees. When the township shall grant the permit applied for,
4 the township supervisors shall inspect the work authorized by
5 the permit upon the completion thereof, and when necessary,
6 enforce compliance with the conditions, restrictions and
7 regulations prescribed by the township. In addition to such
8 inspection, the township supervisors may reinspect the work not
9 more than two years after its completion, and if any settlement
10 of the road surface or other defect shall appear in the work
11 contrary to the conditions, restrictions and regulations of the
12 township, it may enforce compliance therewith. If the applicant
13 shall fail to rectify any such settlement or other defect,
14 within sixty days after written notice from the township
15 supervisors to do so, the township supervisors may do the work
16 and impose upon the applicant the cost thereof, together with an
17 additional twenty per centum (20%) of such cost, which may be
18 recovered by an action in assumpsit in the court of common pleas
19 of the county. All fees received by the township shall be paid
20 into the township treasury. Nothing in this section shall be
21 construed to require a permit in advance for emergency repairs
22 necessary for the safety of the public or the restoration or
23 continuance of public utility or other public service, but
24 application for such permit and the fees shall be submitted as
25 herein prescribed within five days after completion of the work,
26 and thereafter the remaining provisions of this section shall
27 apply. Further, nothing in this section shall be construed to
28 authorize or empower a township to regulate or control the
29 operations of any permittee, except as provided for in this
30 section.]

1 Section 2322. Permits.--No railroad or street railway shall
2 be constructed upon any township road, nor shall any railroad or
3 street railway crossings, driveway connections, gas pipe, water
4 pipe, electric conduits or other piping be laid upon or in, nor
5 shall any telephone, telegraph or electric light or power poles
6 or any coal tipples or any other obstructions be erected upon or
7 in, any portion of a township road except under conditions,
8 restrictions and regulations specified in permits granted by the
9 township for that purpose. Each application shall be submitted
10 to the township in duplicate. The township shall collect a fee
11 as determined by the Department of Transportation for processing
12 the application and another fee for making the inspection. Each
13 application shall be accompanied by both fees. When the township
14 grants the permit, the board of supervisors or its agents shall
15 inspect the work authorized by the permit upon the completion
16 thereof and, when necessary, enforce compliance with the
17 conditions, restrictions and regulations specified by the
18 township. In addition to that inspection, the board of
19 supervisors or its agents may reinspect the work not more than
20 two years after its completion, and if any settlement of the
21 road surface or other defect appears in the work contrary to the
22 conditions, restrictions and regulations of the township, it may
23 enforce compliance therewith. If the applicant fails to rectify
24 the defect within sixty days after written notice from the board
25 of supervisors to do so, the board of supervisors or its agents
26 may do the work and impose upon the applicant the cost thereof,
27 together with an additional twenty percent of the cost, which
28 may be recovered by an action in assumpsit in the court of
29 common pleas of the county. All fees received by the township
30 shall be paid into the township treasury. Nothing in this

1 section shall be construed to require a permit in advance for
2 emergency repairs necessary for the safety of the public or the
3 restoration or continuance of public utility service or other
4 public service, but application for the permit and the fees
5 shall be submitted within five days after completion of the
6 work, after which time the remaining provisions of this section
7 apply. Nothing in this section authorizes a township to regulate
8 or control the operations of any permittee except under this
9 section.

10 [(1) Guideposts and Index Boards

11 Section 1160. Duty of Supervisors to Erect.--The supervisors
12 of the township shall erect posts at the intersection of all
13 public roads and at one of the angles where any public road
14 crosses another public road, and shall firmly fix thereon boards
15 or metal signs, with index hands pointing to the direction of
16 such roads, but if a building, tree, trolley pole, telephone
17 pole, or telegraph pole is so erected that it can be used in
18 place of a post, and permission has been secured from the owner
19 thereof, such building, tree or pole may be used in place of a
20 post. On such boards and signs shall be inscribed, in large and
21 legible characters, the name of the town, village, or place to
22 which such roads lead, and the distance thereto computed in
23 miles. Where any such public road intersects or crosses a State
24 highway, application for a permit shall be made by the
25 supervisors to the Department of Highways for the erecting of
26 such signs.

27 Section 1161. Penalty for Destroying, Et Cetera.--It shall
28 be unlawful for any person to wilfully destroy, remove, injure,
29 or deface any guidepost or sign or index board legally erected
30 upon or near any public street, road, or bridge by the

1 supervisors, or by any club, association, or other organized
2 body for the direction, guidance, or safety of travelers. It
3 shall also be unlawful for any person to wilfully destroy,
4 remove, injure or deface any temporary traffic-control device
5 legally erected for the purpose of enhancing traffic or worker
6 safety in a construction or maintenance work zone, including,
7 but not limited to, cones, batons, barrels, barricades, signs,
8 sign trucks, arrow boards or other devices specified in a
9 traffic safety plan approved by the township or the Department
10 of Transportation. Any person violating this section shall, upon
11 conviction in a summary proceeding, be sentenced to pay a fine
12 of not less than two hundred dollars nor more than five hundred
13 dollars for the first offense, and a mandatory fine of five
14 hundred dollars for the second or any subsequent offense, with
15 costs of prosecution, together with the value of such sign so
16 destroyed, removed or defaced, and in default of such payment,
17 shall be sentenced to imprisonment of not more than ten days.
18 All fines and moneys so imposed and collected shall be paid to
19 the township treasurer.]

20 Section 2323. Penalty for Destroying Signs.--A person shall
21 not destroy, remove, injure or deface any sign or index board
22 legally erected upon or near any public street, road or bridge
23 by the board of supervisors, or by any club, association or
24 other organized body, for the direction, guidance or safety of
25 travelers. A person shall not destroy, remove, injure or deface
26 any temporary traffic-control device legally erected to enhance
27 traffic or worker safety in a construction or maintenance work
28 zone, including, but not limited to, cones, batons, barrels,
29 barricades, signs, sign trucks, arrow boards or other devices
30 specified in a traffic safety plan approved by the township or

the Department of Transportation. Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the first offense and a mandatory fine of five hundred dollars (\$500) for the second or any subsequent offense, with costs of prosecution, together with the value of the destroyed, removed or defaced sign. All fines and moneys imposed and collected shall be paid to the township treasurer.

[(m) Protection of Roads from Snowdrifts

Section 1165. Protection of Highways from Snowdrifts.--Any township which is responsible for the maintenance of any public road shall have authority to enter upon private property adjacent to such public road or highway and place thereon a snow fence, at any point which may be deemed necessary, to within a limit of one hundred feet from the right-of-way line of such public road, in order to eliminate snow drifting on the traveled portion of the public road.

No such snow fence shall be placed prior to November first, nor shall the same remain in place after April first of the succeeding year, unless the written consent of the owner is obtained, agreeing to an extension of time for the removal of said snow fence.

If the supervisors shall not be able to enter into an agreement with the owner of adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in such case in the manner provided in this act for eminent domain

proceedings. Such damages, if any, when ascertained, shall be paid by the township from the general township fund.

Whenever any roads in townships are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to make them impassable, and, in the judgment of the supervisors, such drifts of snow can be avoided by the removal of any fence erected along either side of such road and replacing the same by a fence constructed of posts, wire, and boards or rail combined, the supervisors may agree with the owners of such fences upon a plan for the erection of such a fence. The township may pay the owners of such fences a sum not to exceed the first cost of the wire used in the construction of such fences. The wire used in the construction of such fences shall be without barbs. This section shall not apply to any stone wall, hedge, or ornamental fence.]

Section 2324. Protection of Highways from Snowdrifts.--(a) The board of supervisors may enter private property adjacent to any public road or highway and place thereon a snow fence, to within a limit of one hundred feet from the right-of-way line of the public road, in order to eliminate snow drifting on the traveled portion of the public road.

(b) A snow fence may not be placed before the first day of November, or remain in place after the first day of April of the succeeding year, unless the written consent of the owner is obtained, agreeing to an extension of time for the removal of the snow fence.

(c) If the board of supervisors and the owner of the property upon which a snow fence is placed and removed under this section cannot agree to the amount of compensation, if any, to be paid to the owner for placing the fence, including the

1 amount of damages, if any, to be paid for injury to the property
2 resulting from placing and removing the fence, the owner may
3 petition the court of common pleas of the county for the
4 appointment of viewers to ascertain the amount of damage
5 incurred in the manner provided in this act for eminent domain
6 proceedings. Damages, if any, when ascertained, shall be paid by
7 the township from the general township fund.

8 [(n) Grades of Highways

9 Section 1170. Grades of Highways.--In the construction or
10 repair of any highway in any township, it shall be unlawful to
11 raise such highway above the ordinary grade thereof when a drain
12 or culvert shall be constructed under such highway, or when such
13 highway shall be constructed or repaired over such drain or
14 culvert. This section shall not be construed in any manner to
15 interfere with the work of the State Department of Highways, in
16 the reconstruction or improvement of any State highway or State-
17 aid highway, or when a township improves a township road, under
18 the direction, plans, and specifications of the State Department
19 of Highways.

20 (o) Trees and Shrubbery within Limits of Road

21 Section 1175. Saving Trees and Shrubbery.--Where any road of
22 any township passes through or along forested lands, wild lands,
23 or uncultivated lands, no trees growing within the limits of
24 such road at a distance beyond fifteen feet on either side of
25 the center line thereof, and which measure four inches or over
26 in diameter at a point two feet from the surface of the ground,
27 shall be cut down or destroyed by the supervisors or roadmasters
28 employed by them, or any other person, without first obtaining
29 the consent of the abutting owners.

30 Whenever any road running through improved or cultivated

1 lands has been opened, and there are growing, along the
2 roadsides and within the road limits, shrubs or trees not in the
3 opinion of the supervisors interfering with public travel, no
4 supervisors or roadmasters, or other persons in their employ,
5 shall remove, cut, injure, or destroy, or in any other manner
6 interfere with such shrubs or trees. If such removal or cutting
7 is deemed necessary for the purpose of maintaining the road, the
8 supervisors or roadmasters, or other persons in their employ,
9 may cut or remove such shrubs or trees, after notifying the
10 abutting property owners of the contemplated removal, cutting of
11 said shrubs or trees.

12 Section 1177. Logs and Cordwood Property of Owner.--All
13 logs, cordwood, branch wood, or other forms of wood, which shall
14 be derived from the destruction or removal of any trees growing
15 along the highways, shall be surrendered to and remain the
16 property of the abutting owners.

17 Section 1178. Brush and Refuse.--The supervisors may clear
18 out brush and other refuse from along the sides of the road to
19 the legal width thereof. All such clearing and removal of brush
20 and refuse shall be confined to growth that is within the limits
21 hereinabove described, and to the removal of branches that in
22 any way interfere with public travel. No other injury, by fire,
23 cutting, abrasion, or otherwise, shall be done to the standing
24 timber.

25 Section 1179. Penalty.--Any supervisors, roadmaster, or
26 person in their employ, or any other person, who shall cut down,
27 kill, or injure any living tree, growing at a distance beyond
28 fifteen feet on either side of the center line thereof, and of a
29 size four inches in diameter or greater at a point two feet from
30 the surface of the ground, except as provided in this

1 subdivision, or who shall violate any other provision of this
2 subdivision, shall, upon conviction thereof in a summary
3 proceeding, be sentenced to pay a fine, of not more than five
4 dollars for every tree so cut, injured or destroyed, with costs
5 of suit, and in default of the payment of such fine and costs
6 shall be sentenced to imprisonment of not more than ten days.
7 Such fines shall be paid into the General Township Fund.

8 Section 1180. Removal of Obstruction.--Nothing in this
9 subdivision shall be so construed as to prevent the supervisors
10 or roadmasters, or other persons in their employ, from removing
11 such roadside trees which may be thrown down by wind or lodged
12 in such position as to be a menace to public travel, or which,
13 by reason of any other cause, may become a source of danger to
14 the public. Every such act of removal shall be made with due
15 regard to the circumstances of the case, so as to preserve the
16 true intent and purpose of this subdivision.]

17 Section 2325. Saving Trees and Shrubbery.--(a) The board of
18 supervisors or its agents shall not remove any shrub or tree
19 growing within the right-of-way of any township road or street
20 except those shrubs and trees the board of supervisors finds to
21 constitute a hazardous or dangerous condition to the use of the
22 highway or those which impair the use or maintenance of the
23 public road or street. No tree having a trunk diameter in excess
24 of six inches shall be removed without notice of the proposed
25 removal having first been given to the abutting property owner.

26 (b) All logs, cordwood, branch wood or other forms of wood
27 derived from the destruction or removal of any trees growing
28 along the highways shall be surrendered to, and remain the
29 property of, the abutting owners.

30 (c) The board of supervisors may clear out brush and other

1 refuse along the sides of the road to the legal width thereof.
2 All clearing and removal of brush and refuse shall be confined
3 to growth that is within the right-of-way and to the removal of
4 branches that in any way interfere with public travel. No other
5 injury, by fire, cutting, abrasion or otherwise, shall be done
6 to the standing timber.

7 (d) Any person who violates the provisions of this section
8 commits a summary offense. All fines shall be paid into the
9 general township fund.

10 (e) Nothing in this section prevents the board of
11 supervisors or roadmasters, or other persons in their employ,
12 from removing roadside trees which may be thrown down by wind or
13 lodged in a position as to be a menace to public travel or
14 which, by reason of any other cause, may become a source of
15 danger to the public.

16 [(p) Obstructions and Nuisances

17 Section 1185. Obstructions and Nuisances.--Any person who
18 shall stop or obstruct any public road in any township, or
19 commit any nuisance thereon by felling trees, making fences,
20 turning the road, or in any other way, and who shall not, on
21 notice given by the township supervisors, forthwith remove the
22 obstruction or nuisance and repair the damages done to such
23 road, upon conviction in a summary proceeding, shall, for every
24 such offense, pay a penalty of not more than twenty-five
25 dollars, and in default of the payment of such fine and costs,
26 shall be sentenced to imprisonment of not more than ten days.
27 Nothing in this section shall debar an indictment for any such
28 nuisance as in case of misdemeanor at common law.]

29 Section 2326. Obstructions and Nuisances.--Any person who
30 obstructs any public road or commits any nuisance thereon by

felling trees, making fences, turning the road, diverting water onto or in any other way and who does not, on notice given by the board of supervisors, immediately remove the obstruction or nuisance and repair the damages done to the road commits a summary offense. Nothing in this section shall debar a prosecution for any nuisance as in case of misdemeanor at common law.

Section 2327. Traffic Lights and Signals.--The board of supervisors may provide for the erection, maintenance and operation of traffic lights and traffic signals under 75 Pa.C.S. (relating to vehicles) whenever deemed necessary for the protection of the traveling public.

Section 2328. Regulation of Parking.--(a) The board of supervisors may, by ordinance, regulate parking, provide parking accommodations to promote the convenience and protection of the public, post signs regulating parking in areas established or designated for handicapped parking and impose penalties for the violation of those regulations.

(b) The board of supervisors may provide for the erection, maintenance and regulation of parking meters, and it may, by ordinance, establish parking meter charges and impose penalties for the violation of those regulations.

Section 2329. Naming of Streets.--The board of supervisors may provide for and regulate the naming of streets, roads and highways.

Section 2330. Bike Paths.--The board of supervisors may provide for the construction and maintenance of bike paths for the protection or convenience of the traveling public.

Section 2331. County Bridges.--When the cost of construction or maintenance of a bridge located within the township is paid

1 in whole or in part by the county, the board of supervisors may
2 make agreements for the maintenance and repair of the bridge.

3 [ARTICLE XII

4 BOUNDARY ROADS

5 (a) Opening, Repairing, and Improving Roads on
6 Division Line of Townships

7 Section 1201. Roads Between Townships of the First Class and
8 Townships of the Second Class.--Roads laid out on a line which
9 divides a township of the first class from a township of the
10 second class shall be opened, made, kept clear and in repair, at
11 the joint and equal charge of such townships. Any township
12 necessarily incurring more than its due proportion of such
13 charge may recover the excess so incurred from the other
14 township.

15 Whenever any public road is laid out on the line of two
16 townships, if the commissioners or supervisors of an adjoining
17 township neglect or refuse to join with the supervisors of the
18 township in opening or repairing such road, the supervisors of
19 the township shall open, and repair the road, and are authorized
20 to collect a just proportion of the cost of the opening and
21 repairing of such road from the township so neglecting or
22 refusing to join in such opening, or repairing. The
23 commissioners or supervisors so neglecting or refusing shall be
24 liable to a penalty of not exceeding fifty dollars, to be
25 recovered in a summary proceeding. All such penalties when
26 recovered shall be paid into the township road fund.

27 Section 1202. Roads Between Two Townships of the Second
28 Class.--Whenever any road is on the boundary line between two
29 townships of the second class, such road shall be constructed,
30 improved, repaired and maintained jointly by said townships. For

1 the purpose of constructing, improving, repairing or maintaining
2 any such road, the supervisors of such townships are hereby
3 directed to enter into an agreement providing the manner in
4 which the same shall be constructed, improved, repaired or
5 maintained, and providing for the division of the cost of
6 maintenance between said townships. Such agreement shall be
7 filed with the clerk or clerks of the court or courts of quarter
8 sessions of the county or counties in which such townships are
9 located. If any such township shall fail or refuse to enter into
10 any such agreement, or if the townships cannot agree, any
11 taxpayer or the supervisors of either township may present a
12 petition to the court of quarter sessions of the county, or if
13 said townships are in different counties to the court of quarter
14 sessions of either county, setting forth the facts, and the
15 court, after hearing of which such notice shall be given to all
16 parties interested as the court may direct, shall make an order
17 directing the manner of such construction, improvement, repair
18 or maintenance and the division of the cost thereof between such
19 townships. The action of the court shall be final.

20 (b) Maintenance of Roads Between Townships and
21 Cities or Boroughs

22 Section 1205. Roads Between Townships and Cities and
23 Boroughs.--Whenever any road or street is on the boundary line
24 between any township and a city or borough, such road or street
25 shall be maintained jointly by the township and the city or
26 borough. For the purpose of maintaining any such road or street,
27 the authorities of any such township are hereby directed to
28 enter into agreements with such city or borough providing the
29 manner in which the same shall be maintained, and providing for
30 the division of the cost of maintenance between the city or

1 borough and township. If any such city or borough and township
2 shall fail or refuse to enter into any such contract, or if the
3 city or borough and township cannot agree, any taxpayer or the
4 corporate authorities of the township may present a petition to
5 the court of quarter sessions of the county, setting forth the
6 facts, and the court, after hearing, of which such notice shall
7 be given to all parties interested as the court may direct,
8 shall make an order directing the manner of such maintenance and
9 the division of the cost of maintenance between the city or
10 borough and the township. The action of the court shall be
11 final.

12 (c) Road, the Centre Line of Which is the Dividing Line Between
13 Townships and Boroughs or Cities in the Same County

14 Section 1210. Roads Between Townships and Municipalities in
15 the Same County.--Whenever the centre line of any road or street
16 constitutes the dividing line between a township and any city or
17 borough located in the same county, the supervisors of the
18 township may, jointly with the county, enter into a contract
19 with the city or borough providing for the grading, curbing, and
20 macadamizing or paving of such road.

21 Such alteration or improvement shall be constructed, and
22 subsequent repairs shall be made, under the supervision of the
23 proper authorities of the city or borough, in compliance with
24 the laws governing the construction of such alterations or
25 improvements in such city or borough and with plans and
26 specifications to be agreed upon in writing between the
27 supervisors of the township and the city or borough and the
28 commissioners of the county.

29 The cost of any alteration or improvement shall be borne one-
30 half by the city or borough and one-half by the county and

1 township in equal portions.

2 The cost of repairs shall be borne one-half by the city or
3 borough and one-half by the township, or by the county and
4 township in equal portions, or such other portions as are agreed
5 upon in the joint contract of the township with the county.

6 (d) Road, the Centre Line of Which Is the Dividing Line Between
7 Townships and Cities in Adjacent Counties

8 Section 1215. Roads Between Townships and Cities in Adjacent
9 Counties.--Whenever the centre line of any road constitutes a
10 dividing line between a township and a city located in an
11 adjacent county, it shall be lawful for the township supervisors
12 to enter into a contract with the county in which it is located
13 and the city providing for the grading, curbing, macadamizing or
14 paving of the roadway of said road, the cost thereof to be borne
15 one-half by the city and one-half by the township and the county
16 in which such township shall be situated in equal portions.

17 The said alteration or improvement shall be constructed, and
18 subsequent repair shall be made, under the supervision of the
19 proper authorities of the said city, in compliance with existing
20 laws governing such construction or improvement in such city,
21 and in further compliance with plans and specifications to be
22 agreed upon in writing between such city and the commissioners
23 of the county and the township supervisors of the said township.
24 The cost of repairs shall be borne one-half by the city and one-
25 half by the township or by the county and township in equal
26 portions, or such other proportions as may be agreed upon by the
27 county and township.

28 In all cases in which it shall be found impossible to enter
29 into such contract or agreement as is provided for in this
30 section, or where either the city or the township or the county

1 in which such township is situated shall refuse to enter into
2 such contract or agreement, it shall be lawful for the township
3 to present its petition to the court of common pleas of either
4 county, setting forth the facts and circumstances, including the
5 condition of the road from which the necessity or desirability
6 for the grading, curbing, macadamizing or paving of the roadway
7 appears, and the estimated cost thereof, and that the terms of
8 the said contract as provided for in this section cannot be
9 agreed upon by the said city and the county or township, or
10 either or any of them, or that either such city or the county or
11 township, or any or either of them, refuses to enter into such
12 contract. Such petition may pray that such court may, after
13 hearing all the parties concerned, make its order or decree,
14 defining the nature and character of the improvement reasonably
15 necessary or desirable to be made to the roadway, and requiring
16 the parties hereinabove specified to enter into a contract or
17 contracts for the making and constructing of the same as herein
18 provided for. A copy of the said petition, duly certified, shall
19 be served upon the city or the county and township concerned,
20 other than the petitioner, with notice of such day as may be
21 fixed by the court for a hearing. Thereupon either or both of
22 the parties served with such notice shall be entitled, on or
23 before such date, to file in the said court its answer to the
24 said petition, setting forth its version of the facts or such
25 other matters in relation thereto as may be deemed necessary or
26 proper by it. The said court upon the date so fixed, or at such
27 other times as it may appoint, shall hear the evidence of the
28 parties, or it may refer the matter to a master, who shall hear
29 the testimony of the parties and report his findings, in the
30 same manner and under the same procedure as provided by the

1 rules in equity in similar cases, to the said court, which may
2 reject, confirm, or modify the same, and may make its decree or
3 order directing the making of such alterations or improvements
4 to the roadway as may be deemed reasonably necessary or
5 desirable and providing for the sharing of the cost of such
6 improvements, one-half by the city and one-half by the county
7 and township in equal portions. The said order or decree may
8 further provide that the repairs to such alterations and
9 improvements subsequently required shall be borne one-half by
10 the city and one-half by the county or township in equal
11 portions, or such other proportions as between the county and
12 the township as such court may find to be legal and proper; and
13 thereupon the said grading, curbing, macadamizing or paving of
14 the roadway of such road shall proceed in accordance with the
15 decree or order of the said court in the same manner as if the
16 contract or agreement in this section had been entered into and
17 duly executed.

18 (e) Improvement of Roads or Streets Where More Than One-half of
19 Width Is in Township; Assessment of Property Outside Limits

20 Section 1220. Roads More Than One-half in Townships.--

21 Whenever any road or street, more than one-half of the width of
22 which is within the limits of any township shall divide the said
23 township from any other municipality or township located within
24 the same county, such road or street, may be improved by the
25 township within which the greater width is located in the same
26 manner as if the said road or street were entirely located
27 within the limits of said township.

28 The property abutting on the side of said road or street,
29 which is located outside the limits of the township making such
30 improvements shall, for a depth of one hundred and fifty feet

1 plus one-half the width of said road or street, from its center
2 line, be assessed for any and all municipal improvements to or
3 on the said road or street, in the same manner as such property
4 would be assessed under the laws of the Commonwealth if it were
5 entirely located within the limits of such city, borough, or
6 township.

7 (f) Assessment of Property Outside Limits for Street

8 Improvement Where Street Entirely Within Township

9 Section 1225. Roads Within Township along Division Line.--

10 Whenever any road or street entirely within the limits of any
11 township, shall divide such township from any other municipality
12 or township located in the same county, the property on the side
13 of the road or street, opposite the line of such township,
14 shall, for a depth of one hundred and fifty feet, be assessed
15 for municipal improvements on such road or street on which
16 property shall abut. Such assessment shall be made in the same
17 manner and in the same proceeding as is used for the assessment
18 of property within such township for such improvement.

19 (g) Agreements for Improving Roads or Streets Forming

20 Boundaries Between Townships and Boroughs

21 Section 1230. Agreement for Improving Roads or Streets

22 Forming Boundaries Between Townships and Boroughs.--Townships

23 may enter into agreements with adjoining boroughs for the
24 grading, paving and curbing or macadamizing of roads or streets
25 which may be boundaries between such townships and boroughs, and
26 may provide in such contract that the damages, costs and
27 expenses of such improvement shall be divided between such
28 townships and boroughs in proportions agreed upon. Such
29 agreements shall be filed with the clerk or clerks of the court
30 or courts of quarter sessions in the county or counties in which

1 such townships and boroughs are located.

2 In grading, paving and curbing or macadamizing any such roads
3 or streets, townships shall exercise such power, only upon
4 petition of a majority of the property owners in interest and
5 number, abutting the line of the proposed improvement within the
6 township limits, to be verified by the affidavit of one of the
7 petitions, a majority in interest of owners of undivided
8 interest in any piece of property to be treated as one person,
9 asking that such improvement be made.

10 The portion of the damages, costs and expenses agreed to be
11 paid by any township shall be ascertained, and the benefits
12 incident thereto, shall be assessed and collected in the manner
13 provided in this act for the assessment of damages and benefits
14 by viewers.]

15 Section 2332. Boundary Roads and Bridges.--(a) When any
16 road or bridge, other than a State or county road or bridge, is
17 created or located along, on or over boundaries between
18 townships and any other municipal corporation, the creation,
19 location, construction, maintenance and repair of the road or
20 bridge shall be the joint responsibility of the township and the
21 municipal corporation with which the common boundary is shared.

22 (b) The board of supervisors may make agreements with any
23 adjacent municipal corporation to provide for the apportionment
24 of the cost of construction, repair and maintenance of boundary
25 roads or bridges.

26 (c) If an amicable agreement on the proportionate share of
27 costs of construction, repair and maintenance of boundary roads
28 or bridges cannot be executed, the board of supervisors or the
29 governing body of the other municipal corporation involved may
30 petition the court of common pleas of the county or counties for

1 a determination of the rights and responsibilities of the
2 respective municipal corporations involved.

3 [ARTICLE XIII

4 BRIDGES

5 (a) Over Streams, Gullies, Canals and Railroads

6 Section 1301. Power to Make and Maintain Bridges.--The
7 supervisors of townships, in making and repairing the roads,
8 shall make and maintain within their township sufficient bridges
9 over all streams, gullies, canals, and railroads, where such
10 bridges are necessary for the ease and safety of travelers. Such
11 bridges shall be deemed to be a part of the road.

12 Section 1302. Damages.--All damages in the construction and
13 maintenance of such bridges shall be awarded and benefits
14 assessed as part of the proceeding to lay out, open, make, or
15 repair the road of which the bridge is a part.

16 Section 1303. Where Bridge Is Over Railroad or Canal.--If a
17 bridge is built over a railroad or canal, such bridge shall not
18 obstruct the same. Nothing in this article shall release any
19 railroad or other companies from the requirements of existing
20 law.

21 (b) Over Streams, Railroads and Canals

22 on Township Boundaries

23 Section 1305. Bridges on Division Line of Townships.--Where
24 a stream, a gully, a railroad or a canal, over which a bridge is
25 necessary, is on the boundary line of two townships, or of a
26 township and a municipality, the bridge shall be built and
27 maintained in the manner directed by this act in the case of
28 public roads which are on the division line between townships,
29 or townships and municipalities.

30 (c) Maintenance, Repair, and Rebuilding of Bridges

Built by County

Section 1310. County Bridges.--Whenever a bridge or part thereof has been built by the county, or the whole or part of the money necessary to build it has been furnished by the county, and the bridge has not been entered on record as a county bridge, such bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the township or townships in which, or on the boundary line of which, it is located, without rendering the county liable for the same.]

ARTICLE [XIV] XXIV

SIDEWALKS [AND], FOOTPATHS AND CURBS

[Section 1401. Power of Supervisors to Establish Width and Location of Sidewalks; Consents in Certain Cases.--The supervisors of any township, upon the request of any landowner whose land fronts upon a public road or highway within such township, may establish the width, grade and location for a sidewalk along one or both sides of said road or highway along the lands of such owner. When said sidewalks are so established, such landowner shall pay for and keep the same in repair.

In case the highway is a State or county highway, the written consent of the Department of Highways or the county commissioners, as the case may be, shall first be obtained.

Section 1402. Construction of Sidewalks or Sidewalks and Curbs Upon Petition of Property Owners or Pursuant to Ordinance.--(a) The township supervisors may construct sidewalks or curbs, or sidewalks and curbs, of suitable material, along the roads or highways, in such townships, upon the petition of owners of property representing a majority in number of feet front of the properties abutting on the roads or highways where such sidewalks or sidewalks and curbs are to be

1 constructed. Whenever any such petition is filed with the
2 supervisors, the owner of the property shall be given notice by
3 the supervisors to construct such sidewalk or sidewalk and curb;
4 and in case of the failure of the owner to complete such
5 sidewalk or sidewalk and curb within a period of sixty days
6 after the receipt of such notice, the supervisors may construct
7 such sidewalk or sidewalk and curb as herein provided. Whenever
8 any sidewalks or sidewalks and curbs are constructed by the
9 supervisors, the expense of the construction of such sidewalk or
10 sidewalk and curb shall be paid by the abutting property owners
11 in proportion to their frontage. If such owners fail to so pay
12 the expenses of the construction of such sidewalk or sidewalk
13 and curb, the township supervisors may recover the amount by
14 action of assumpsit, or may file municipal liens therefor
15 against the abutting properties, in the manner provided by law
16 for the filing and collection of municipal liens.

17 (b) The township supervisors may also construct sidewalks
18 and curbs of suitable material along the roads or highways in
19 such townships pursuant to an ordinance authorizing such
20 construction. All reconstruction, repaving and recurbing may be
21 provided for in the ordinance providing for the original
22 construction, paving and curbing, without the necessity for
23 adopting a new ordinance for such reconstruction, repaving and
24 recurbing. Whenever any sidewalks or curbs are constructed by
25 the supervisors pursuant to such ordinance, the expense of the
26 construction of such sidewalks or curbs shall be paid by the
27 abutting property owners in proportion to their frontage, but in
28 no such instance shall any abutting property owner be liable for
29 the construction of such sidewalk in an amount greater than ten
30 percent, nor for the construction of such curb in an amount

1 greater than ten percent, of the assessed valuation of the
2 abutting property owned by him. Any expense above such maximum
3 liability of abutting property owners shall be paid by the
4 townships. If abutting property owners fail to so pay the
5 expenses of the construction of such sidewalks or curbs for
6 which they are liable, the township supervisors may recover the
7 amount by action of assumpsit or may file municipal liens
8 therefor against the abutting properties in the manner provided
9 by law for the filing and collection of municipal liens.

10 Section 1403. Power to Establish Lines, Grades and Width of
11 Curbs, Sidewalks or Footpaths.--Supervisors of townships may
12 regulate by ordinance, the line, grade and width of curbs,
13 sidewalks or footpaths constructed along the roads or highways
14 in such townships, and shall have general supervision over the
15 same and may establish a grade or grades for curbs, sidewalks or
16 footpaths, which grade or grades may be separate and apart from
17 the grade or grades established for the cartway or roadway. In
18 case the highway is a State or county highway, the written
19 consent of the Department of Highways or the county
20 commissioners, as the case may be, shall first be obtained.

21 Section 1404. Sidewalks or Footpaths by Township.--Whenever
22 it shall appear to the supervisors that any part or portion of
23 any road or highway is dangerous to the traveling public and
24 such danger could be materially reduced or lessened by the
25 construction of a sidewalk or footpath, the supervisors shall
26 have the right to lay out and construct a sidewalk or footpath
27 along such dangerous portion of said road or highway of such
28 materials as they shall deem advisable, and to expend moneys
29 from the general fund of the township therefor. In case the
30 highway is a State or county highway, the written consent of the

1 Department of Highways or the county commissioners, as the case
2 may be, shall first be obtained.]

3 Section 2401. Location, Lines, Grades and Width of Curbs,
4 Sidewalks or Footpaths; Costs.--(a) The board of supervisors
5 may, by ordinance, regulate the line, grade and width of curbs,
6 sidewalks or footpaths constructed along the roads or highways
7 in the township, shall have general supervision over them and
8 may establish a grade or grades for curbs, sidewalks or
9 footpaths, which grade or grades may be separate and apart from
10 the grade or grades established for the cartway or roadway.

11 (b) If the highway is a State or county highway, the written
12 consent of the Department of Transportation or the county
13 commissioners shall first be obtained.

14 (c) The costs of construction of sidewalks, footpaths or
15 curbs may be paid by one of the following methods:

16 (1) The board of supervisors, upon the request of any
17 landowner whose land fronts upon a public road or highway within
18 the township, may establish a sidewalk or curbs along one or
19 both sides of the road or highway along the lands of the owner.
20 When the sidewalks or curbs are established, the landowner shall
21 pay for the construction of the sidewalks or curbs and keep them
22 in repair.

23 (2) The board of supervisors may construct sidewalks or
24 curbs along the roads or highways, upon the petition of property
25 owners representing a majority in number of feet front of the
26 properties abutting on the roads or highways where the sidewalks
27 or curbs are to be constructed. When a petition is filed with
28 the board of supervisors, the property owner shall be given
29 notice by the board of supervisors to construct the sidewalk or
30 curb. If the owner fails to complete the sidewalk or curb within

1 a period of sixty days after the receipt of the notice, the
2 board of supervisors may construct the sidewalk or curb. When
3 any sidewalk or curb is constructed by the board of supervisors,
4 the expense of the construction of the sidewalk or curb shall be
5 paid by the abutting property owners in proportion to their
6 frontage. If the owners fail to pay the expenses of the
7 construction of the sidewalk or curb, the board of supervisors
8 may recover the amount by action of assumpsit or may file
9 municipal liens therefor against the abutting properties under
10 law for the filing and collection of municipal liens.

11 (3) The board of supervisors may, by ordinance, in absence
12 of a petition, provide for the construction, reconstruction and
13 repair of sidewalks and curbs within the township. When any
14 sidewalks or curbs are constructed, reconstructed or repaired by
15 the board of supervisors under the ordinance, the expense of the
16 construction of the sidewalks or curbs shall be paid by the
17 abutting property owners in proportion to their frontage, but no
18 owner shall be liable for the cost of construction of the
19 sidewalk or curb in an amount greater than fifteen percent of
20 the assessed valuation of the abutting property. Any expense
21 above the maximum liability of abutting property owners shall be
22 paid by the township. If abutting property owners fail to pay
23 the expenses of the construction of the sidewalks or curbs for
24 which they are liable, the board of supervisors may recover the
25 amount by action of assumpsit or may file municipal liens
26 therefor against the abutting properties under law for the
27 filing and collection of municipal liens.

28 (4) When the board of supervisors establishes that any part
29 of any road or highway is dangerous to the traveling public and
30 the danger could be materially reduced or lessened by the

1 construction of a sidewalk, curb or footpath, the board of
2 supervisors may lay out and construct a sidewalk, curb or
3 footpath along the dangerous portion of the road or highway at
4 township expense.

5 (d) All assessments for costs levied under this article
6 shall be filed with the township treasurer and collected under
7 section 3302(a).

8 ARTICLE [XV] XXV

9 SANITARY SEWERS [AND DRAINS

10 (a) Establishing and Constructing Sewer and Drainage Systems;

11 Sewer Connections and Charges; Disposal of Sewage;

12 Assessment of Cost of Construction

13 Section 1501. Power to Establish and Construct Sewers and
14 Drains.--(a) Townships may establish and construct a system of
15 sewers and drainage, locating the same as far as practicable
16 along and within the lines of the public roads of the townships
17 as seems advisable to the board of supervisors. The supervisors
18 may permit and, where necessary for the public health, require
19 adjoining and adjacent property owners to connect with and use
20 the same. In case any owner of property adjoining or adjacent to
21 such sewer shall neglect or refuse to connect with and use said
22 sewer for a period of sixty days after notice to do so has been
23 served upon him by the supervisors, either by personal service
24 or by registered mail, said supervisors or their agents, may
25 enter upon such property and construct such connection. In such
26 case the supervisors shall forthwith, upon completion of the
27 work, send an itemized bill of the cost of construction of such
28 connection to the owner of the property to which connection has
29 been so made, which bill shall be payable forthwith. In case of
30 neglect or refusal by the owner of such property to pay said

1 bill, it shall be the duty of the township supervisors to file
2 municipal liens for said construction within six months of the
3 date of completion of the construction of said connection, the
4 same to be subject in all respects to the general law providing
5 for the filing and recovery of municipal liens.

6 (b) Whenever an existing sewer system owned by or leased to
7 a township of the second class is extended or altered at the
8 expense of a developer or other private person or corporation
9 under the supervision of such township or a municipal authority
10 of such township, the township supervisors may, by ordinance or
11 resolution, take over said extension or alteration and compel
12 all owners of property which is not already connected to an
13 existing public sewer system and which is accessible to and
14 whose principal building is within one hundred fifty feet from
15 such sewer extension to pay a tapping fee and make connection
16 therewith and use such sewer system in such manner as they may
17 order.

18 (c) The supervisors may refund all or part of said tapping
19 fee or fees to the developer or other private person or
20 corporation who or which paid for said construction. Said
21 tapping fees may be based upon front foot construction costs,
22 however, the total of said refunds shall never exceed the cost
23 of said extension or alterations. Once said extension or
24 alteration is taken over it shall become part of the existing
25 sewer system.

26 (d) Notwithstanding the powers granted pursuant to
27 subsection (a), (b) or (c), no township shall have the power to
28 require any commercial or industrial business to connect to the
29 township sewer system when such commercial or industrial
30 business is operating a sewer treatment plant under mandate of

1 any agency of the Federal or State Government. This exemption
2 shall last as long as such sewer treatment plant continues to
3 meet the specifications and standards mandated by such Federal
4 or State agency and for forty-five days thereafter. If, during
5 the days immediately subsequent to the day a business' sewer
6 treatment plant is determined to be below Federal or State
7 mandates, repairs cannot be made to bring the system back up to
8 satisfactory condition, the township may require such business
9 to connect to its sewage treatment system. In such case, the
10 full costs of connection to, and any necessary refurbishing of,
11 the township sewer system shall be borne by such business.

12 (e) The exemption provided for in subsection (d) shall not
13 be available in any situation where the business seeking to use
14 it had notice, either actual or constructive, prior to
15 construction of its sewer treatment plant, of the township's
16 intention to construct a sewage treatment plant and to require
17 that business to connect with its system.

18 (f) The Department of Environmental Resources shall not,
19 subsequent to the effective date of this amendatory act, issue
20 any permit to allow a commercial or industrial business to
21 construct its own permanent sewer treatment plant without the
22 written consent of the township supervisors of the township
23 wherein such treatment plant is proposed to be located.]

24 Section 2501. Sanitary Sewers.--The board of supervisors may
25 establish and construct sanitary sewer systems which shall, if
26 possible, be constructed along and within the lines of the
27 rights-of-way of public roads. If the board of supervisors
28 determines that the systems shall be located on or through
29 private property, the board of supervisors may acquire the land
30 by gift, purchase or eminent domain.

1 Section 2502. Sanitary Sewer Connections.--(a) The board of
2 supervisors may, by ordinance, require adjoining and adjacent
3 property owners to connect with and use the sanitary sewer
4 system, whether constructed by the township or a municipality
5 authority or a joint sanitary sewer board. If any owner of
6 property adjoining or adjacent to or whose principal building is
7 within one hundred and fifty feet from the sanitary sewer fails
8 to connect with and use the sanitary sewer for a period of sixty
9 days after notice to do so has been served by the board of
10 supervisors, either by personal service or by registered mail,
11 the board of supervisors or their agents may enter the property
12 and construct the connection. The board of supervisors shall
13 send an itemized bill of the cost of construction to the owner
14 of the property to which connection has been made, which bill is
15 payable immediately. If the owner fails to pay the bill, the
16 board of supervisors shall file a municipal lien for the cost of
17 the construction within six months of the date of completion of
18 the connection.

19 (b) When an existing sanitary sewer system owned by or
20 leased to a township is extended or altered at the expense of a
21 developer or other private person or corporation under the
22 supervision of the township or a municipality authority of the
23 township, the board of supervisors may, by ordinance or
24 resolution, take over the extension or alteration and compel all
25 owners of property which is not already connected to an existing
26 public sanitary sewer system and which is accessible to and
27 whose principal building is within one hundred and fifty feet
28 from the sanitary sewer extension to pay a tapping fee and make
29 connection therewith and use the sanitary sewer system as the
30 board of supervisors may order.

1 (c) The board of supervisors may refund all or part of the
2 tapping fee or fees to the developer or other private person or
3 corporation who or which paid for the construction. The tapping
4 fees may be based upon foot-front construction costs. The total
5 of the refunds shall never exceed the cost of the extension or
6 alterations. Once the extension or alteration is taken over, it
7 shall become part of the existing sanitary sewer system.

8 (d) The board of supervisors shall not require any
9 commercial or industrial business to connect to the township
10 sanitary sewer system when the commercial or industrial business
11 is operating a private sanitary sewage treatment plant under
12 mandate of any agency of the Federal or State Government. This
13 exemption shall last as long as the private sanitary sewage
14 treatment plant continues to meet the specifications and
15 standards mandated by the Federal or State agency and for forty-
16 five days after that. If, during the days immediately after the
17 day a business' private sanitary sewage treatment plant is
18 determined to be below Federal or State mandates, repairs cannot
19 be made to bring the private sewage treatment system back up to
20 satisfactory condition, the board of supervisors may require the
21 business to connect to the township sanitary sewer system. The
22 full costs of connection to, and any necessary refurbishing of,
23 the township sanitary sewer system shall be paid by the
24 business.

25 (e) The exemption in subsection (d) is not available in any
26 situation where the business seeking to use it had notice,
27 either actual or constructive, before construction of its sewage
28 treatment plant, of the township's intention to construct a
29 sanitary sewer system and to require that business to connect
30 with its system.

1 (f) The Department of Environmental Resources shall not
2 issue any permit to allow a commercial or industrial business to
3 construct its own private sewage treatment plant without the
4 written consent of the board of supervisors of the township in
5 which the private sewage treatment plant is proposed to be
6 located.

7 [Section 1501.1. Sewer System Established or Constructed by
8 Municipality Authorities; Connection and Use by Owners;
9 Enforcement.--Whenever a sewer system is or shall have been
10 established or constructed by a municipality authority within a
11 township of the second class, the township supervisors shall be
12 empowered, by ordinance, to compel all owners of property
13 accessible to and whose principal building is within one hundred
14 fifty feet from such sewer system to make connection therewith
15 and use such sewer system in such manner as they may order. The
16 township supervisors may, by ordinance, impose penalties to
17 enforce any regulation or order they may ordain with reference
18 to any sewer connections. In case any owner of property
19 accessible to and whose principal building is within one hundred
20 fifty feet from a sewer system established or constructed by a
21 municipality authority shall neglect or refuse to connect with
22 said sewer system for a period of sixty days after notice to do
23 so has been served upon him by the township supervisors, either
24 by personal service or by registered mail, the township
25 supervisors or their agents may enter upon such property and
26 construct such connection. In such case, the township
27 supervisors shall forthwith, upon completion of the work, send
28 an itemized bill of the cost of the construction of such
29 connection to the owner of the property to which connection has
30 been so made, which bill shall be payable forthwith. In case of

1 neglect or refusal by the owner of such property to pay said
2 bill, it shall be the duty of the township supervisors to file
3 municipal liens for said construction within six months of the
4 date of the completion of the construction of said connection,
5 the same to be subject in all respects to the general law
6 provided for the filing and recovery of municipal liens.

7 Section 1502. Notice of Contemplated Construction; Protests
8 by Property Owners.--No sewer, drain or system thereof shall be
9 constructed under the provisions of this article unless a
10 resolution or ordinance of the board of supervisors authorizing
11 the same shall be published in a newspaper of general
12 circulation published in the county in which the township is
13 situated, once a week for three successive weeks. If, before the
14 expiration of twenty days after the last publication, sixty per
15 centum of the total property owners of the township or the
16 affected sewer district, if such district has been constituted,
17 as the case may be, shall sign and file, in the office of the
18 prothonotary of the court of common pleas of the county in which
19 the township is located, a written protest against the
20 construction of such sewer, drain or system thereof, then the
21 construction authorized by such resolution or ordinance shall
22 not be undertaken or proceeded with.]

23 Section 2503. Notice of Contemplated Construction.--No
24 sanitary sewer system shall be constructed under this article
25 unless a resolution of the board of supervisors authorizing the
26 construction is published in a newspaper of general circulation
27 in the township once a week for three successive weeks.

28 [Section 1503. Location of Sewers on Private Property.--
29 Where it is reasonably impracticable in the judgment of the
30 supervisors in any part of such system to carry such sewers or

1 drains along the lines of public roads, they may locate and
2 construct so much of the same as is necessary through private
3 lands and acquire the necessary land or right of way for such
4 purpose, by gift or by the exercise of the right of eminent
5 domain.

6 Section 1504. Treatment Works and Facilities Therefor;
7 Eminent Domain.--The supervisors shall make the necessary
8 provision for the disposition of the sewage and drainage within,
9 or for carrying the same beyond, the limits of the township,
10 and, to this end, they are hereby authorized to enter into
11 contracts with other municipalities and other corporations or
12 persons to purchase, acquire, enter upon, take, appropriate,
13 occupy and use such lands, rights, and interests therein within
14 the corporate limits of other townships or boroughs as shall be
15 necessary for the proper location, construction, maintenance,
16 use, and operation of sewer mains, drains, or treatment works,
17 including such lands, rights, and interests therein as shall be
18 necessary for future additions to and enlargements of such
19 sewerage or drainage facilities, and as may be necessary to
20 carry out the plans and specifications upon which a permit has
21 been issued by the Secretary of Health in accordance with law.

22 Section 1505. Entry on Lands to Mark Sewer Routes;
23 Damages.--In the event of inability to agree with the owners,
24 either for the land necessary for so much of the line of sewers
25 and drains as are not located upon public roads, or for so much
26 land as is required for the disposition of the sewage, the
27 supervisors may enter upon said land and mark thereon the route
28 and width necessary for the construction of the line of sewers
29 or drains or the boundaries of so much land as is necessary for
30 disposition of such sewage, and occupy the said land for such

1 purposes. For all damage done or suffered or which accrues to
2 the owner or owners of such land by reason of the taking of the
3 same, the general fund of the township shall be pledged and
4 deemed as security. Such damages shall be determined by viewers
5 in the manner provided in this act for eminent domain
6 proceedings.]

7 Section 2504. Entering Lands to Mark Sanitary Sewer Routes;
8 Damages.--In the absence of an agreement with the owners of land
9 required for sanitary sewer systems or for the marking of the
10 route of the systems, the board of supervisors or its agents
11 have the right to enter the lands for that purpose. For all
12 damage done by entering the land under this section, the general
13 fund of the township shall be pledged as security. Damages shall
14 be determined by viewers under this act for eminent domain
15 proceedings.

16 Section 2505. Sanitary Sewer Systems; Acquisition of Land
17 and Facilities; Damages.--The board of supervisors may acquire
18 by eminent domain or make contracts with other municipal
19 corporations, corporations or persons for the acquisition of
20 lands or facilities for the location, construction, maintenance,
21 reconstruction and enlargement of sanitary sewer systems and
22 treatment facilities. Acquisitions may be made for the purpose
23 of future construction or additions to existing systems. The
24 acquired land may be located either inside or outside the
25 boundaries of the township. For all damage done to owners of
26 land by reason of the taking of the land, the general fund of
27 the township shall be pledged as security. Damages shall be
28 determined by viewers under this act for eminent domain
29 proceedings.

30 [Section 1507. Cost of Construction; How Paid.--All or any

1 portion of the cost of construction of any such system of sewers
2 or drains, constructed by the authority of this subdivision, may
3 be charged upon the properties accommodated or benefited thereby
4 in the manner hereinafter provided.

5 The township supervisors may finance the cost of construction
6 of any such system of sewers or drains, by the incurring of debt
7 by the township, within the limitations and pursuant to the
8 provisions of the act of July 12, 1972 (P.L.781, No.185), known
9 as the "Local Government Unit Debt Act." Where debt is so
10 incurred, the supervisors at their sole discretion may assess
11 all or any portion of the cost of the construction of such
12 sewers or drains, as permitted by law, against the properties
13 accommodated or benefited by such improvements as hereinafter
14 provided, and to deposit the net proceeds of such assessments in
15 a sinking or analogous fund established in connection with the
16 incurring of such debt.

17 Nothing in this section shall be construed to prevent the
18 financing of the cost of such construction under the provisions
19 of the "Municipality Authorities Act of 1945," and any
20 amendments thereto.]

21 Section 2506. Cost of Construction; How Paid.--All or part
22 of the cost of construction of a sanitary sewer system
23 constructed under this article may be charged upon the
24 properties accommodated or benefited by the construction.

25 [Section 1508. Sewer Districts; Township to Pay Non-
26 Assessable Portion of Cost.--Whenever a sewer or drainage system
27 is constructed by a township for the accommodation of a certain
28 portion of the township, the supervisors of such township may,
29 at any time before or after said construction, constitute the
30 territory accommodated into a sewer district or divide it into

1 several sewer districts. In every such case of division into
2 several districts, the supervisors shall make an estimate of the
3 proportion of the cost of the sewer system which should
4 equitably be charged on each of said districts, and declare and
5 establish such apportionment by resolution.

6 In all cases where a sewer or drainage system is constructed
7 by a township for the benefit of a certain portion only of the
8 township, and the cost of main sewers, pumping stations,
9 pressure lines, et cetera, is charged against the sewer district
10 or sewer districts, as herein provided, the total amount charged
11 to each district may be assessed to the district by an
12 assessment upon each lot or piece of land in said district, in
13 proportion to its frontage abutting on the sewer, or by an
14 assessment upon the several properties abutting on the sewer, in
15 proportion to benefits, or upon the properties connected with
16 and using said sewers, as sewer rentals, in the manner provided
17 by law for the assessment of sewer rentals, or each lot or piece
18 of ground abutting upon said sewer may be assessed, in
19 proportion to its frontage or according to benefits, the cost of
20 a local sewer, and the balance of the amount charged against the
21 district may be assessed upon the properties connected with and
22 using said sewer, as sewer rentals in the manner provided by law
23 for assessment of sewer rentals. No district shall be charged
24 with more than its due proportion of the cost of the main
25 sewers, pumping stations, et cetera, used jointly by more than
26 one district. Where the whole of the township is accommodated by
27 the system it may also be treated as a single district, or
28 divided into districts and be subject to the foregoing
29 provisions.]

30 Section 2507. Sanitary Sewer Districts.--(a) When a

sanitary sewer system is constructed by a township for the accommodation of a certain portion of the township, the board of supervisors may, before or after the construction, designate the territory accommodated as one sanitary sewer district or divide it into several sanitary sewer districts. The board of supervisors shall estimate the proportion of the cost of the sanitary sewer system to be charged on each of the districts and declare and establish the apportionment by resolution.

(b) When a sanitary sewer system is constructed by a township for the benefit only of a certain portion of the township and the cost of main sanitary sewers, pumping stations, pressure lines, et cetera, is charged against the sanitary sewer district or sanitary sewer districts, all or part of the amount charged to each district may be assessed to the district by an assessment upon each lot or piece of land in the district, in proportion to its frontage abutting on the sanitary sewer, or by an assessment upon the several properties abutting on the sanitary sewer, in proportion to benefits, or upon the properties connected with and using the sanitary sewers as rental fees, or each lot or piece of ground abutting upon the sanitary sewer may be assessed, in proportion to its frontage or according to benefits, the cost of a local sanitary sewer, and the balance of the amount charged against the district may be assessed upon the properties connected with and using the sanitary sewer, as rental fees. No district shall be charged with more than its due proportion of the cost of the main sanitary sewers, pumping stations, et cetera, used jointly by more than one district. If the whole of the township is accommodated by the sanitary sewer system, it may be treated as a single district.

1 [Section 1509. Manner of Assessment.--The charge for any
2 such sewer or drain construction in any township shall be
3 assessed upon the properties accommodated or benefited, in
4 either of the following methods:

5 (a) By an assessment, pursuant to a resolution or ordinance
6 of the board of supervisors, of each lot or piece of land in
7 proportion to its frontage abutting on the sewer or drain,
8 allowing such equitable reduction in the case of corner
9 properties and unusually shaped properties or those properties
10 abutting on more than one sewer or drain as the resolution or
11 ordinance may specify, however, when the lot or piece of land is
12 on a corner it shall be assessed for its entire frontage
13 abutting on any sewer or drain except when such property is a
14 vacant lot or contains only a single family dwelling in which
15 case it shall be assessed along the shorter frontage and
16 assessed along the longer frontage abutting on a sewer or drain,
17 commencing at a point no closer to the corner than one hundred
18 twenty-five feet. No assessment by frontage shall be made on
19 properties of such a character as not to be lawfully subject to
20 such manner of assessment, and each abutting property shall be
21 assessed with not less than the whole amount of the benefit
22 accruing to it and legally assessable; or

23 (b) By an assessment upon the several properties abutting on
24 the sewer or drain in proportion to benefits. The amount of the
25 charge on each property shall be ascertained as hereinafter
26 provided.

27 When a township is divided into sewer districts, the
28 assessment in each district may be by different methods.]

29 Section 2508. Manner of Assessment.--When a township is
30 divided into sanitary sewer districts, the assessment in each

district may be by different methods. The assessment, if any,
for sanitary sewer system construction shall be charged upon the
properties accommodated or benefited by one of the following
methods:

(1) By an assessment, under a resolution or ordinance of the
board of supervisors, of each lot or piece of land in proportion
to its frontage abutting on the sanitary sewer system, allowing
an equitable reduction in the case of corner properties and
unusually shaped properties or those properties abutting on more
than one collector line of the sanitary sewer as the resolution
or ordinance may specify. When the lot or piece of land is on a
corner, it shall be assessed for its entire frontage abutting on
any sanitary sewer system.

(2) By an equal assessment on all properties abutting on the
sanitary sewer system in proportion to the total cost of
construction of the sanitary sewer system. The amount of the
charge on each property shall be determined by the board of
supervisors.

[Section 1510. Procedure for Assessment of Benefits.--In all
cases where the board of supervisors shall select the method
provided by subdivision (b) of the foregoing section, they shall
petition the court of common pleas for appointment of viewers to
assess benefits. In all cases where they shall neglect, for a
period of three months after the completion of the sewer or
drainage system, to either make assessments by frontage or
present petition for appointment of viewers, taxpayers of the
township whose property valuation as assessed for taxable
purposes within the township shall amount to fifty per centum of
the total property valuation so assessed may present a petition
to the court of common pleas of the county for the appointment

1 of viewers to assess benefits; and in all cases where such
2 taxpayer shall, within three months of the adoption of a
3 resolution or ordinance levying an assessment under the method
4 provided by subsection (a) of said foregoing section, by
5 petition, state to said court that such assessment
6 insufficiently represents the benefits accruing to abutting
7 properties, they may include in such petition a prayer for the
8 appointment of viewers to assess benefits. In either case the
9 court shall thereupon appoint three disinterested persons from
10 the board of county viewers, none of whom shall be a resident of
11 that portion of the township which is accommodated by the sewer
12 or drainage system in question, and the viewers so appointed
13 shall proceed as provided in this act for proceedings for the
14 assessment of damages and benefits by viewers. The aggregate of
15 the assessments in any sewer district shall not exceed the
16 amount charged to such district for its share of the cost of the
17 sewer or drain construction unless the same shall, by petition
18 of taxpayers, whose property valuation as aforesaid shall amount
19 to fifty per centum of the total property valuation as assessed
20 for taxable purposes within the township, presented within three
21 months after the adoption of a resolution or ordinance providing
22 for an assessment by frontage, be stated to insufficiently
23 represent the amount of benefits to such properties, in which
24 case the proceedings by taxpayers authorized above shall be
25 applicable. Upon the filing of such a petition by taxpayers as
26 aforesaid for appointment of viewers, any assessment made by the
27 supervisors and any proceedings thereunder shall be stayed
28 pending the disposition of the petition by the court.]

29 Section 2509. Procedure for Assessments.--If any taxpayer
30 states, by petition, within three months of the adoption of a

1 resolution or ordinance levying an assessment under section 2508
2 to the court of common pleas that the assessment insufficiently
3 represents the benefits accruing to abutting properties, they
4 may include in the petition a request for the appointment of
5 viewers to assess benefits. The court shall appoint three
6 viewers, none of whom shall be a resident of that portion of the
7 township which is accommodated by the sanitary sewer system in
8 question, and the viewers shall proceed under this act for the
9 assessment of damages and benefits. Upon the filing of a
10 petition by taxpayers for appointment of viewers, any assessment
11 made by the board of supervisors and any proceedings shall be
12 stayed pending the disposition of the petition by the court.

13 [Section 1511. Liens for Assessments; Costs of
14 Proceedings.--After the amount of the assessment charged upon
15 the several properties has been established, either by
16 resolution or ordinance making assessments according to
17 frontage, or by confirmation of any report of viewers, in whole
18 or in part, the amounts of all assessments shall be payable to
19 the township treasurer for the use of the sewer district or
20 districts or the township, as the case may be, in which they are
21 assessed. The supervisors shall make out bills for the amounts
22 charged against each property, which shall be forthwith sent to
23 all property owners residing in the township, and mailed to all
24 such owners residing elsewhere whose address is known. If any
25 such assessment is not paid within sixty days after the mailing
26 of a bill therefor, the supervisors shall cause it to be
27 collected by action of assumpsit, or such assessment shall be
28 collected in the manner provided for the filing and recovery of
29 municipal claims.

30 The costs of publication of notices in proceedings before

1 viewers shall be paid by the township upon presentation of bills
2 approved by the court.]

3 Section 2510. Liens for Assessments; Costs of Proceedings.--

4 After the amount of the assessment charged upon the several
5 properties has been established by resolution making assessments
6 according to frontage or by confirmation of any report of
7 viewers, in whole or in part, the amounts of all assessments are
8 payable to the township treasurer for the use of the sanitary
9 sewer district or districts or the township in which they are
10 assessed. The board of supervisors shall make out bills for the
11 amounts charged against each property, which shall be sent to
12 all property owners whose property will be served by the
13 sanitary sewer system. If the assessment is not paid within
14 sixty days after the mailing of a bill therefor, the board of
15 supervisors shall collect it by action of assumpsit or under law
16 for the filing and recovery of municipal claims.

17 [Section 1512. Sewer Rentals.--All persons whose property
18 connects with a system of sewers or drains shall pay to the
19 township treasurer, in addition to the cost of making such
20 connection, a monthly, quarterly, semi-annual or annual charge
21 prescribed by a resolution of the board of supervisors. Such
22 monthly, quarterly, semi-annual or annual charge or charges
23 shall constitute a lien until paid against the property so
24 connecting with such system, and the amount thereof may be
25 recovered by due process of law. All water utilities supplying
26 water to users within the boundaries of any township shall, at
27 the request of the board of supervisors, furnish to the
28 township, on or before the fifteenth day of the month following
29 the month during which bills are issued, a list of all water
30 meter readings and flat-rate water bills and the basis for each

1 flat-rate water charge, so that the data may be used in
2 calculating such charges. The township is authorized and
3 empowered to pay to such utilities reasonable amounts for
4 necessary clerical and other expenses incurred in the
5 preparation of such lists.

6 Nothing in this section shall be construed to repeal or
7 modify any of the provisions of the Public Utility Law.]

8 Section 2511. Rental Fees.--(a) All persons whose property
9 is connected to a sanitary sewer system shall pay to the
10 township treasurer, in addition to the cost of making the
11 connection, a monthly, quarterly, semi-annual or annual charge
12 adopted by a resolution of the board of supervisors. The charges
13 constitute a lien until paid against the property connected to
14 the sanitary sewer system, and the amount thereof may be
15 recovered by due process of law. All water utilities supplying
16 water to users within the boundaries of any township shall, at
17 the request of the board of supervisors, furnish to the
18 township, on or before the fifteenth day of the month following
19 the month during which bills are issued, a list of all water
20 meter readings and flat-rate water bills and the basis for each
21 flat-rate water charge so that the data may be used in
22 calculating rental fees. The township may pay to the utilities
23 clerical and other expenses incurred in the preparation of the
24 lists.

25 (b) Nothing in this section shall be construed to repeal or
26 modify any of the provisions of 66 Pa.C.S. (relating to public
27 utilities).

28 (c) All sewer rentals received shall be deposited in a
29 special fund to be used only for the payment of the cost of
30 construction, reconstruction, repair, operation and maintenance

1 of the sanitary sewer system.

2 [(b) Sewers Under State and County Highways

3 Section 1525. Consents Necessary.--Townships may construct
4 sewers and drains in or under any county or State highway within
5 the township boundaries. In case of the construction of sewers
6 or drains in or under county highways, the consent of the county
7 commissioners of the county shall first be obtained, and in case
8 of the construction of sewers or drains in or under any State
9 highway, the consent of the Secretary of Highways shall first be
10 obtained.]

11 Section 2512. State and County Highways; Consents
12 Necessary.--Sanitary sewers may be constructed in or under any
13 State or county highway. If the construction of sanitary sewers
14 is in or under county highways, the consent of the county
15 commissioners of the county shall first be obtained and, if the
16 construction of sanitary sewers is in or under any State
17 highway, the consent of the Department of Transportation shall
18 first be obtained.

19 [Section 1526. Assessment of Cost.--Whenever sewers or
20 drains have been or shall be laid or constructed by any township
21 in or under State or county highways, the township, unless the
22 same can be agreed upon, may ascertain, levy, and collect the
23 costs and expenses of the construction thereof from the abutting
24 property holders by viewers in accordance with the provisions of
25 this act relating to the assessment of damages and benefits by
26 viewers.

27 (c) Connecting with Sewer of Adjoining Municipality

28 Section 1530. Agreements for Connections; Appointment of
29 Viewers.--Any township may, by agreement, connect with an
30 existing sewer owned by any adjacent municipality, for sewage

1 purposes.

2 Whenever any township desires to connect with the existing
3 sewer of any adjacent municipality and no agreement has been
4 reached between such township and the adjacent municipality, a
5 petition shall be presented by the board of supervisors to the
6 court of quarter sessions setting forth the facts. The court
7 shall fix a day for hearing upon such petition and shall direct
8 such public notice to all parties interested therein as to it
9 shall seem desirable. If, after hearing, the court shall be of
10 the opinion that such connection can be made without impairing
11 the usefulness of the existing sewer, it shall appoint three
12 viewers who shall view the premises, and investigate the facts
13 of the case and shall assess the necessary costs and expenses of
14 making the connection, and the proportionate part of the expense
15 of building the original sewer upon such township, and shall fix
16 the proportion of the expense for repairs which the municipality
17 and the township shall thereafter bear, and determine all other
18 questions liable to arise in connection therewith.]

19 Section 2513. Municipal Corporation; Municipality Authority;
20 Agreements for Connections; Appointment of Viewers.--(a) Any
21 township may, by agreement, connect with an existing sanitary
22 sewer owned by any municipal corporation or municipality
23 authority for either sewage collection or treatment purposes.

24 (b) When any township desires to connect with the existing
25 sewer of any municipal corporation or municipality authority, a
26 petition shall be presented by the board of supervisors to the
27 court of common pleas setting forth the facts. The court shall
28 fix a day for hearing upon the petition and direct public notice
29 be given to all interested parties. If the court is of the
30 opinion that the connection can be made without impairing the

usefulness of the existing sanitary sewer system, it shall appoint three viewers to view the premises, investigate the facts of the case, assess the necessary costs and expenses of making the connection and the proportionate part of the expense of building the original sanitary sewer system upon the township, determine the proportion of the expense for repairs which the municipal corporation or municipality authority and the township shall bear and determine all other questions liable to arise in connection therewith.

[Section 1531. Report of Viewers.--The viewers shall report to the court the result of their investigation, which report shall be confirmed within thirty days unless exceptions thereto are filed, the disposal of which exceptions, any party interested may appeal.]

Section 2514. Report of Viewers.--The viewers shall report the results of their investigation to the court, and the court shall confirm the report within thirty days of its submission unless exceptions are filed. Any interested party may appeal the disposition of filed exceptions.

[(d) Acquisition of Sewer Systems

Section 1535. Acquisition.--(a) Any township, in which any person is maintaining sewers and culverts with the necessary inlet and appliances for surface and under-surface and sewage drainage, or in which any person or persons are maintaining a community sewage collection or disposal system as herein defined, may become the owner of such sewers, culverts, inlet and appliances, or the owner of such community sewage collection or disposal system, by paying therefor not more than the actual value of the same at the time of the taking by the township, or by gift from the owner or owners thereof.

1 (b) In case the supervisors of the township cannot agree
2 with the owners of such sewers or sewage collection or disposal
3 system as to the price to be paid therefor, the supervisors may
4 enter upon and take possession of such sewers, culverts, inlets
5 and appliances or of such sewage collection or disposal system.
6 For all damage done or suffered or which accrues to the owner of
7 the sewer or collection or disposal system by reason of the
8 taking of the same, the general fund of the township shall be
9 pledged and deemed as security; such damages to be determined by
10 viewers in the manner provided by this act for eminent domain
11 proceedings. If any sewer, sewer system of sewage collection or
12 disposal system is acquired by purchase under the provisions of
13 this section, the cost of such acquisition may be distributed or
14 assessed in the same manner as provided by this act in cases
15 where a sewer or drainage system is constructed by the township.

16 (c) For the purpose of this section, a community sewage
17 collection or disposal system is all or part of a device or
18 devices, installed on any privately or publicly owned parcel of
19 land, intended to treat or dispose of the sewage or equivalent
20 volume of domestic sewage from two or more residences, buildings
21 or occupied parcels of land, or any system of piping used in
22 collection and conveyance of sewage on private or public
23 property.

24 (d) After a community sewage collection or disposal system
25 has been acquired under the provisions of this section by the
26 township, the supervisors shall have the power to enlarge such
27 system if they deem it advisable. In such cases, the cost and
28 expenses of such enlargement may be distributed or assessed in
29 the same manner as if the enlargement was a regular sewer
30 constructed by the township under other provisions of this act.

1 (e) Whenever a community sewage collection or disposal
2 system is or shall have been established or constructed within a
3 township by a private owner or owners, and the township
4 supervisors are thereafter empowered by ordinance to acquire the
5 ownership of the sewage disposal system so established, or when
6 any such system has been enlarged by the township, such
7 acquisition and ownership shall be subject to the following
8 provisions of this subsection:

9 (1) When the person or persons having established or
10 constructed a community sewage collection or disposal system, or
11 when more than one-half the number of the owners of properties
12 which are connected with, have a right to use and are using a
13 community collection or disposal system, enter into an agreement
14 with the township for the acquisition of the system by the
15 township, such agreement shall be considered a valid agreement
16 by the owners of the sewage collection or disposal system and a
17 transfer of ownership to the township.

18 (2) The township shall operate and maintain any sewage
19 collection or disposal system acquired, and any enlargement or
20 addition thereto, for the use of persons having acquired from
21 the township or from the former owner or owners the right to use
22 the system and for the use of other owners of property
23 accessible thereto up to the capacity of the sewage collection
24 or disposal system.

25 (3) All persons whose property connects with the sewage
26 collection or disposal system, acquired or constructed by the
27 township, shall pay to the township treasurer a monthly,
28 quarterly, semi-annual or annual charge prescribed by a
29 resolution of the supervisors. The amount of the charges shall
30 not be in excess of the estimated amount necessary to maintain

1 and operate the system and to establish a reserve fund
2 sufficient for its future replacement.

3 (4) All sewer rentals or charges imposed by the supervisors
4 against properties connected with a community sewage collection
5 or disposal system under the provisions of this section shall
6 constitute liens against the properties and may be collected in
7 the same manner as other sewer charges.

8 (5) All moneys received from the sewer charges shall be
9 deposited as a special reserve fund and shall be used only for
10 the payment of the cost of operating and maintaining the sewage
11 collection or disposal system, and the replacement thereof if
12 necessary and economically desirable. If, at any time after the
13 acquisition or enlargement of the sewage system, a regular sewer
14 system is made available by the township for connection with the
15 properties using the community sewage collection or disposal
16 system, the owners of such properties shall be subject to the
17 other provisions of this act relating to sewers, and all money,
18 at that time in the reserve fund, which was received from
19 charges for the use of that particular sewage collection or
20 disposal system and which is over and above the amount expended
21 for the operation and maintenance of that particular sewage
22 collection or disposal system, shall be used towards the payment
23 of any sewer assessments charged against such properties under
24 other sections of this act.]

25 Section 2515. Acquisition of Existing Sanitary Sewer
26 Systems.--(a) The board of supervisors of the township in which
27 the facilities are located may acquire all or part of an
28 existing sanitary sewer system or community subsurface sewage
29 collection and treatment system.

30 (b) Acquisition may be by either purchase, when the board of

supervisors and the owner can agree on a price not exceeding the actual value of the sanitary sewer system or part thereof to be transferred, or by deed of dedication to the township by the owners of the sanitary sewer system or part thereof or by the exercise of eminent domain.

(c) If any sanitary sewer system or community subsurface disposal collection and treatment system is acquired by purchase or taking under this section, the cost of acquisition may be distributed or assessed under this act as when a sanitary sewer system is constructed by the township.

(d) The rights, powers and duties of the board of supervisors with respect to acquired systems are the same as exist with respect to sanitary sewer systems constructed by the township.

[(e) Joint Sewers and Drains

Section 1540. Joint Sewers.--(a) Townships may jointly with cities, boroughs or other townships build and construct sewers, including trunk-line sewers or drains and sewage treatment works, and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited by the improvement as is provided in the case of townships by sections one thousand five hundred and nine, one thousand five hundred and ten, and one thousand five hundred and eleven of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective townships, cities, and boroughs joining as may be agreed upon.

(b) The townships, cities, and boroughs joining or contemplating joining in any such improvement, in order to facilitate the building of the same and in securing preliminary

1 surveys and estimates, may by ordinance provide for the
2 appointment of a joint sewer board composed of one
3 representative from each of the townships, cities, and boroughs
4 joining which shall act generally as the advisory and
5 administrative agency in the construction of such improvement,
6 and its subsequent operation and maintenance. The members of
7 such board shall serve for terms of six years each from the
8 dates of their respective appointments, and until their
9 successors are appointed. The board shall organize by the
10 election of a chairman, vice-chairman, secretary, and treasurer.
11 The several townships, cities, and boroughs may, in the
12 ordinances creating the board, authorize it to appoint an
13 engineer, a solicitor, and such other assistants as are deemed
14 necessary; and agree to the share of the compensation of such
15 persons each township, city, and borough is to pay. The members
16 of the board shall receive such compensation for attending its
17 meetings as shall be fixed in the budget, prepared by the board
18 and submitted to, and adopted by, the several townships, cities,
19 and boroughs as hereinafter provided. The budget item providing
20 for the compensation to members for attending meetings shall not
21 exceed a total of two hundred and fifty dollars per year, but
22 the members in addition thereto, shall be entitled to actual
23 expenses to be paid by the respective townships, cities, and
24 boroughs which such members represent. The fee for each
25 attendance at meetings shall be stipulated and no member shall
26 be paid such fee for any meeting which he does not attend.

27 (c) The joint sewer board shall have power to adopt rules
28 and regulations to govern its proceedings, and shall prepare and
29 suggest any practical measures and plans by means of which the
30 joint improvement may be carried to successful completion; and

1 the future development of the system, so as to conform to a
2 general plan, assured and safeguarded. It shall have power to
3 prepare a joint agreement or agreements for submission to and
4 adoption by the several townships, cities and boroughs defining
5 the advisory and administrative powers of the board; setting
6 forth the consents of the several townships, cities, and
7 boroughs to the proposed improvement; the manner, which shall
8 not be inconsistent with the provisions of this act, in which
9 preliminary and final plans, specifications, and estimates for
10 the proposed improvement shall be prepared and adopted; and in
11 which proposals for bids shall be advertised, and contracts let;
12 the manner in which the costs of the improvement and other
13 incidental and preliminary expenses in connection therewith, and
14 the future cost of operation and maintenance shall be equitably
15 shared, apportioned, and paid; and all such other matters,
16 including the preparation and submission of annual and other
17 budgets, as may be deemed necessary or required by law to carry
18 the proposed improvement to completion and to assure future
19 maintenance and operation thereof. But nothing herein contained
20 shall authorize the board to make any improvement or expend any
21 public moneys which has not first been authorized by all of the
22 townships, cities, and boroughs proceeding with the improvement.

23 (d) In any case where it shall be necessary to acquire,
24 appropriate, damage, or destroy private property to build any
25 such joint sewer improvement, and the same cannot be acquired by
26 purchase or gift, the right of eminent domain shall vest in the
27 township, city, or borough where such property is located. In
28 any such case where it shall be necessary to acquire, damage, or
29 destroy property in any territory not within the limits of any
30 of the townships, cities, or boroughs joining in the

1 improvement; then the right of eminent domain shall be vested in
2 any township, city, or borough adjacent to such territory where
3 such property is located. Damages for any property taken,
4 damaged, or destroyed shall be assessed as provided by the
5 general laws relating to the townships, cities, and boroughs
6 exercising the right of eminent domain; and shall be paid by the
7 several townships, cities, and boroughs joining in the same
8 proportion as other costs of the improvements.]

9 Section 2516. Joint Sanitary Sewer Systems.--(a) Townships
10 may contract with other municipal corporations providing for the
11 joint construction or maintenance of sanitary sewer systems and
12 for the connection onto existing sanitary sewer systems. The
13 agreements shall provide for the apportionment of costs among
14 the municipal corporations. The board of supervisors may assess
15 the township's respective portions of the costs, as may be
16 legally assessable, upon property benefited by the facilities.
17 Any portion of the cost not assessed or assessable shall be paid
18 by the respective municipal corporations under the agreement.

19 (b) The municipal corporations joining or contemplating
20 joining in the project in order to facilitate the building of
21 the sanitary sewer system and in securing preliminary surveys
22 and estimates may, by ordinance, provide for the appointment of
23 a joint sanitary sewer board composed of one representative from
24 each of the municipal corporations joining which shall act
25 generally as the advisory and administrative agency in the
26 construction of the improvement and its subsequent operation and
27 maintenance. Members of the joint sanitary sewer board shall
28 serve for terms of six years each from the dates of their
29 respective appointments and until their successors are
30 appointed. The joint sanitary sewer board shall organize by the

1 election of a chairman, vice-chairman, secretary and treasurer.
2 The municipal corporations may, in the ordinances creating the
3 joint sanitary sewer board, authorize it to appoint an engineer,
4 a solicitor and other necessary assistants and agree to the
5 share of the compensation of those persons each municipal
6 corporation is to pay. The members of the joint sanitary sewer
7 board shall receive compensation for attending board meetings as
8 established in the budget that is prepared by the joint sanitary
9 sewer board and submitted to and adopted by the municipal
10 corporations. The budget item providing for the compensation to
11 members for attending meetings shall not exceed a total of two
12 hundred and fifty dollars (\$250) for each member in each year,
13 but the members shall be entitled to actual expenses to be paid
14 by the respective municipal corporations the members represent.

15 (c) The joint sanitary sewer board may adopt rules and
16 regulations to govern its proceedings and prepare and suggest
17 measures and plans under which the joint improvement may be
18 completed and for the future development of the system. It may
19 prepare a joint agreement or agreements for submission to and
20 adoption by the municipal corporations defining the advisory and
21 administrative powers of the joint sanitary sewer board and
22 setting forth: the consents of the municipal corporations to the
23 proposed improvement; the manner in which preliminary and final
24 plans, specifications and estimates for the proposed improvement
25 shall be prepared and adopted and in which proposals for bids
26 shall be advertised and contracts let; the manner in which the
27 costs of the improvement and other incidental and preliminary
28 expenses in connection therewith, and the future cost of
29 operation and maintenance, shall be equitably shared,
30 apportioned and paid; and all other matters, including the

1 preparation and submission of annual and other budgets, that are
2 necessary or required by law to complete the proposed
3 improvement and to assure future maintenance and operation
4 thereof. The board may not make any improvement or spend any
5 public moneys which have not first been authorized by all of the
6 municipal corporations proceeding with the improvement.

7 (d) When it is necessary to acquire, appropriate, damage or
8 destroy private property to build any joint sanitary sewer
9 system or improvement and the property cannot be acquired by
10 purchase or gift, the right of eminent domain shall vest in the
11 municipal corporation where the property is located. When it is
12 necessary to acquire, damage or destroy property in any
13 territory not within the limits of any of the municipal
14 corporations joining in the improvement, the right of eminent
15 domain shall be vested in the municipal corporation adjacent to
16 the territory where the property is located. Damages for any
17 property that is taken, damaged or destroyed shall be assessed
18 under laws relating to the municipal corporations exercising the
19 right of eminent domain and shall be paid by the municipal
20 corporations joining in the same proportion as other costs of
21 the improvements.

22 [Section 1541. State Permit.--No such sewer or plant shall
23 be constructed until plans and specifications have been
24 submitted to the State Department of Health and approved, in
25 accordance with law.]

26 Section 2517. State Permit.--No sanitary sewer or plant may
27 be constructed until plans and specifications are submitted to
28 the Department of Environmental Resources and approved.

29 [(f) Non-debt Revenue Sewer Bonds

30 ARTICLE XV-A

1 COLLECTION BY INSTALLMENT OF STREET, SEWER,
2 CURBING AND SIDEWALK ASSESSMENTS

3 Section 1501-A. Authority for Installment Payments.--

4 Whenever any township shall authorize the construction or
5 acquisition of any sanitary sewer or system of sanitary sewers,
6 or the improvement of any street or portion thereof, or the
7 installation of curbing or sidewalks, and the entire cost, or
8 any part thereof, shall be assessed against the properties
9 benefited, improved or accommodated by such sewer or system of
10 sewers, or curbing or sidewalks, or abutting, upon such street
11 or portion thereof, the township supervisors may authorize the
12 payment of such assessment in equal annual, or more frequent
13 installments. Every such ordinance shall specify the length of
14 time over which such installments may be extended and whether
15 payments are to be made by annual or more frequent installments.
16 All such installments shall bear interest, as provided in the
17 applicable ordinance, at a rate not to exceed six per cent,
18 commencing at such time as may be fixed or regulated by
19 ordinance: Provided, That where bonds shall have been issued and
20 sold in the manner provided by law, to provide for the payment
21 of any street improvement, such assessments in equal
22 installments shall not be payable beyond the term for which such
23 bonds are issued, and the expenditures for such improvements,
24 and interest thereon to the first day when interest is payable
25 on such bonds, shall be taken as the cost of such improvement to
26 be assessed on the property benefited.

27 Section 1502-A. Entry of Liens.--Claims to secure the
28 assessments shall be entered in the prothonotary's office of the
29 county at the same time and in the same form and shall be
30 collected in the same manner as municipal claims are filed and

1 collected, notwithstanding the provisions of this article on
2 installment payments.

3 Section 1503-A. Assessments; Where Payable.--Such
4 assessments shall be payable at the office of the township
5 treasurer, or such other place as the ordinance shall provide,
6 in semi-annual or annual installments, with interest at the rate
7 provided from the date from which interest is computed on the
8 amount of the assessments.

9 Section 1504-A. Default in Payment of Installment.--In case
10 of default in the payment of any installment and interest for a
11 period of sixty days after the same shall become due, the entire
12 assessment and accrued interest shall become due; and the
13 township solicitor shall proceed to collect the same under the
14 general laws relating to the collection of municipal claims.

15 Section 1505-A. Payments in Full.--Any owner of property,
16 against whom any such assessment shall have been made, may pay
17 the same in full, at any time, with interest and costs thereon
18 to the due date of the next installment, and such payment shall
19 discharge the lien.]

20 ARTICLE [XVI] XXVI

21 WATER SUPPLY [AND WATERWORKS]

22 Section 1601. Contracts With Water Companies and
23 Municipalities and Acquisition of Waterworks Systems.--(a) The
24 supervisors of any township may, by contract with any private
25 corporation or any adjacent municipality owning a waterworks
26 system, provide for a supply of water for public and private
27 uses, to be delivered through lines owned by such company or
28 municipality within such township, or any part thereof. The
29 contract shall provide how and in what manner the cost of such
30 water service shall be paid by the consumers thereof.

1 (b) In addition to the provisions of subsection (a), the
2 supervisors of any township may purchase or acquire a privately
3 owned waterworks system to provide for a supply of water for
4 public and private uses. If a privately owned water company
5 fails to render service as required by the Pennsylvania Public
6 Utility Commission, the supervisors of the township in which
7 such water company is located may, with the approval of the
8 Pennsylvania Public Utility Commission, exercise the right of
9 eminent domain to acquire the waterworks system of such water
10 company so as to provide a supply of water for public and
11 private uses.]

12 Section 2601. Contracts With Water Companies and Municipal
13 Corporations and Acquisition of Water Systems.--(a) The board
14 of supervisors may, by contract with any private corporation or
15 any adjacent municipal corporation owning a waterworks system,
16 provide water for public and private uses, to be delivered
17 through lines owned by that company or municipal corporation
18 within the township. The contract shall provide the manner by
19 which the cost of the water service shall be paid by the
20 consumers.

21 (b) The board of supervisors may purchase or acquire a
22 privately owned water system to provide water for public and
23 private uses. If a privately owned water company fails to render
24 service as required by the Pennsylvania Public Utility
25 Commission, the board of supervisors may, with the approval of
26 the Pennsylvania Public Utility Commission, exercise the right
27 of eminent domain to acquire the water system of the water
28 company to provide water for public and private uses.

29 (c) Any township may, by agreement, connect with an existing
30 water system owned by any adjacent municipal corporation. When

1 any township desires to connect with the existing water system
2 of any adjacent municipal corporation and no agreement has been
3 reached between the township and the adjacent municipal
4 corporation, a petition seeking approval of the connection shall
5 be presented by the board of supervisors to the court of common
6 pleas. The court shall set a day for hearing upon the petition
7 and shall direct public notice be given to all interested
8 parties. If the court is of the opinion that the connection can
9 be made without impairing the usefulness of the existing water
10 system, it shall appoint three viewers to view the premises,
11 investigate the facts of the case, assess the necessary costs
12 and expenses of making the connection and the proportionate part
13 of the expense of building the original water system upon the
14 township, determine the proportion of the expense for repairs
15 which the municipal corporation and the township shall bear and
16 determine all other questions likely to arise in connection
17 therewith.

18 [Section 1602. Water Lines and Connections.--Township
19 supervisors shall have full power to contract with any private
20 corporation, or any adjacent municipality owning a waterworks
21 system, to provide for a supply of water for public and private
22 uses to be delivered into the lines of the township at or near
23 the boundary thereof. In such case the supervisors shall have
24 the power, by contract, to lay water lines, and to provide for
25 extensions thereof, and to regulate the making of connections
26 therewith.]

27 Section 2602. Water Lines and Connections.--The board of
28 supervisors may contract with any private corporation or any
29 adjacent municipal corporation owning a water system to provide
30 water for public and private uses to be delivered into the lines

1 of the township at or near the boundary thereof. The board of
2 supervisors may, by contract, lay water lines and extensions and
3 regulate the making of connections therewith.

4 [Section 1602.1. Connection to Water Supply System.--The
5 supervisors may require that abutting property owners of a water
6 supply system connect with and use the same except those
7 industries and farms who have their own supply of water for uses
8 other than human consumption. In case any owner of property
9 except those previously excepted abutting such water system
10 shall neglect or refuse to connect with and use said system for
11 a period of ninety days after notice to do so has been served
12 upon him by the supervisors, either by personal service or
13 registered mail, said supervisors or their agents, may enter
14 upon such property and construct such connection. In such case
15 the supervisors shall forthwith, upon completion of the work,
16 send an itemized bill of the cost of construction of such
17 connection to the owner of the property to which connection has
18 been made, which bill shall be payable forthwith, or the
19 supervisors may authorize the payment of the cost of
20 construction of connections in equal monthly installments, said
21 installments shall bear interest at a rate not to exceed seven
22 per centum per annum.]

23 Section 2603. Connection to Water System.--The board of
24 supervisors may, by ordinance, require that abutting property
25 owners of a water system provided by the township or a
26 municipality authority or a joint water board connect with and
27 use the system. Those industries and farms which have their own
28 supply of water for uses other than human consumption may
29 continue to use their own water for that purpose but are
30 required to use the township water system to provide water for

1 human consumption. If any owner of property abutting the water
2 system fails to connect with and use the system within ninety
3 days after notice to do so has been served by the board of
4 supervisors, the board of supervisors or their agents may enter
5 the property and construct the connection. The board of
6 supervisors shall send an itemized bill of the cost of
7 construction of connection to the owner of the property to which
8 connection has been made, which bill is payable immediately, or
9 the board of supervisors may authorize the payment of the cost
10 of construction of connections in equal installments under
11 Article XXXIII.

12 [Section 1602.2. Connection to Water Supply System of
13 Municipality Authorities.--Whenever a water supply system is or
14 shall have been established or constructed by a municipality
15 authority within a township of the second class, the township
16 supervisors shall be empowered by ordinance, to compel all
17 owners of property abutting thereto to make connection
18 therewith. The supervisors may, by ordinance, impose penalties
19 to enforce any regulation or order they may ordain with
20 reference to any water connections. In case any owner of
21 property other than those excepted in section 1602.1 of this
22 act, shall neglect or refuse to connect with said water system
23 for a period of ninety days after notice to do so has been
24 served upon him by the supervisors, either by personal service
25 or by registered mail, the supervisors or their agents may enter
26 upon such property and construct such connection. In such case,
27 the supervisors shall forthwith, upon completion of the work,
28 send an itemized bill of the cost of the construction of such
29 connection to the owner of the property to which connection has
30 been made, which bill shall be payable forthwith or the

1 supervisors may authorize the payment of the cost of
2 construction of connections in equal monthly installments, to
3 bear interest at a rate not exceeding seven per centum per
4 annum.

5 Section 1602.3. Cost of Connections; Where Payable.--Such
6 cost of construction of connections shall be payable at the
7 office designated by the township supervisors, in monthly
8 installments, with interest from the date of completion of
9 construction of the connection.

10 Section 1602.4. Default in Payment of Installment.--In case
11 of default in the payment of any installment and interest for a
12 period of sixty days after the same shall become due, the entire
13 cost of construction of connection and accrued interest shall
14 become due; and, the township solicitor shall proceed to collect
15 the same under the general laws relating to the collection of
16 municipal claims.

17 Section 1602.5. Entry of Liens.--In case of neglect or
18 refusal by the owner of such property to pay said bill or in
19 case of installment payment, it shall be the duty of the
20 township supervisors to file municipal liens for said
21 construction within six months of the date of completion of the
22 construction of such connection, the same to be subject in all
23 respects to the general law providing for the filing and
24 recovery of municipal liens.

25 Section 1603. Water Rents.--The township supervisors are
26 authorized to provide for the collection of water rents from
27 users of water, supplied by the township.]

28 Section 2604. Water Rents.--The board of supervisors may
29 provide for the collection of water rents from users of water
30 supplied by the township.

1 [Section 1604. Distribution System; State Permit.--The
2 supervisors of any township may, by ordinance provide, acquire,
3 establish, regulate, and protect any system of distribution of
4 water for private and public use after a certified copy of the
5 plans and surveys for such system, with a description of the
6 sources from which it is proposed to derive the supply, are
7 filed with the Department of Health, and a written permit for
8 the construction of such system obtained from the Secretary of
9 Health, in accordance with law.]

10 Section 2605. Distribution System; State Permit.--The board
11 of supervisors may, by ordinance, provide, acquire, establish,
12 regulate and protect any system of distribution of water for
13 private and public use after a certified copy of the plans and
14 surveys for the system, with a description of the sources from
15 which it is proposed to derive the supply, are filed with the
16 Department of Environmental Resources and a written permit for
17 the construction of the system is obtained from the Department
18 of Environmental Resources.

19 [Section 1605. Occupation of Highways.--In providing for
20 regulating, protecting, and extending its system of distribution
21 of water, the township may occupy public highways, but no
22 highway under the jurisdiction of the Department of Highways
23 shall be occupied until a permit therefor has been obtained from
24 such department nor any highway under the jurisdiction of the
25 county until a permit therefor has been obtained from the county
26 commissioners.]

27 Section 2606. Occupation of Highways.--In regulating,
28 protecting and extending its system of distribution of water,
29 the township may occupy public highways, but no highway under
30 the jurisdiction of the Department of Transportation shall be

1 occupied until a permit therefor has been obtained from the
2 department nor any highway under the jurisdiction of the county
3 until a permit therefor has been obtained from the county
4 commissioners.

5 [Section 1606. Joint Construction, Acquisition or
6 Maintenance of Works.--Any township may join with a city,
7 borough or another township of either the first or second class
8 in the construction or acquisition and maintenance of works for
9 the supply of water. The construction of such waterworks shall
10 be commenced only after plans for such waterworks have been
11 filed with the Department of Health, and the Water and Power
12 Resources Board, and permits issued in accordance with law.]

13 Section 2607. Joint Construction, Acquisition or Maintenance
14 of Water Systems.--Any township may join with any other
15 municipal corporation in the construction or acquisition and
16 maintenance of water systems. The construction of water systems
17 shall be commenced only after plans for the systems have been
18 filed with the Department of Environmental Resources and permits
19 have been issued.

20 [Section 1607. Commission of Waterworks.--The townships,
21 cities and boroughs joining in any such improvement, in order to
22 facilitate the building of the same and in securing preliminary
23 surveys and estimates, may, by ordinance, provide for the
24 appointment of a joint commission of waterworks composed of one
25 representative from each of the townships, cities and boroughs
26 joining which shall act generally as the advisory and
27 administrative agency in the construction of such improvement
28 and its subsequent operation and maintenance. The members of
29 such board shall serve for terms of six years each, from the
30 dates of their respective appointments and until their

1 successors are appointed. The commission shall organize by the
2 election of a chairman, a vice chairman, secretary and
3 treasurer. The several townships, cities and boroughs may, in
4 the ordinances creating the commission, authorize it to appoint
5 an engineer, a solicitor and such other assistants as are deemed
6 necessary, and agree to the share of the compensation of such
7 persons each township, city and borough is to pay. The members
8 of the commission shall receive such compensation for attending
9 its meetings as shall be fixed in the budget prepared by the
10 commission and submitted to and adopted by the several
11 townships, cities and boroughs, as hereinafter provided. The
12 budget item providing for the compensation to members for
13 attending meetings shall not exceed two hundred and fifty
14 dollars per year, but members in addition thereto shall be
15 entitled to actual expenses to be paid by the respective
16 townships, cities and boroughs which such members represent. The
17 fee for each attendance at meetings shall be stipulated and no
18 member shall be paid such fee for any meeting which he does not
19 attend.]

20 Section 2608. Joint Water Board.--The municipal corporations
21 joining in the improvement, in order to facilitate the building
22 of the water system and in securing preliminary surveys and
23 estimates, may, by ordinance, provide for the appointment of a
24 joint water board composed of one representative from each of
25 the municipal corporations joining to act generally as the
26 advisory and administrative agency in the construction of the
27 improvement and its subsequent operation and maintenance.
28 Members of the joint water board shall serve for terms of six
29 years each from the dates of their respective appointments and
30 until their successors are appointed. The joint water board

1 shall organize by the election of a chairman, vice-chairman,
2 secretary and treasurer. The municipal corporations may, in the
3 ordinances creating the joint water board, authorize it to
4 appoint an engineer, a solicitor and other necessary assistants
5 and agree to the share of the compensation of those persons each
6 municipal corporation is to pay. The members of the joint water
7 board shall receive compensation for attending board meetings as
8 established in the budget that is prepared by the joint water
9 board and submitted to and adopted by the municipal
10 corporations. The compensation to members for attending meetings
11 shall not exceed a total of two hundred and fifty dollars (\$250)
12 for each member in each year, but the members shall be entitled
13 to actual expenses to be paid by the respective municipal
14 corporations the members represent.

15 [Section 1608. Public Utility Law Saved.--Nothing contained
16 in this article shall be construed to repeal or to supersede any
17 of the provisions of the Public Utility Law.]

18 Section 2609. Public Utility Law Saved.--Nothing contained
19 in this article shall be construed to repeal or to supersede any
20 of the provisions of 66 Pa.C.S. (relating to public utilities).

21 Section 2610. Cost of Construction; How Paid.--All or part
22 of the cost of construction of any water system constructed by
23 the authority of this article may be charged upon the properties
24 accommodated or benefited thereby.

25 [Section 1609. Water Districts; Application of Taxpayers.--
26 Whenever the taxpayers of any section of a township whose
27 property valuation, as assessed for taxable purposes within such
28 section, shall amount to fifty per centum of the total property
29 valuation, as assessed for taxable purposes within such section,
30 shall, by petition, so request, the supervisors of such township

1 shall constitute such section into a water district or divide it
2 into several water districts. In every such case of division
3 into several districts, the supervisors shall determine the
4 proportion of the cost of the water system which should
5 equitably be charged on each of said districts and declare and
6 establish such apportionment by resolution. No district shall be
7 charged with more than its due proportion of the cost of the
8 main pipe lines, pumping stations, et cetera, used jointly by
9 more than one district.]

10 Section 2611. Water Districts.--The board of supervisors may
11 designate, define and create one or more water districts within
12 the township, and the board of supervisors shall determine the
13 proportion of the cost of the water system which shall be
14 equitably charged on each district and declare and establish the
15 apportionment by resolution. No district shall be charged with
16 more than its due proportion of the cost of the main pipe lines,
17 pumping stations, et cetera, used jointly by more than one
18 district.

19 [Section 1610. Assessment.--In lieu of issuing and selling
20 non-debt revenue bonds, as provided in section one thousand six
21 hundred nine point one of the act, the township supervisors may
22 provide for the payment of the cost of water lines or water
23 system in the township or in districts thereof by an assessment
24 upon the properties accommodated or benefited in either of the
25 following methods:

26 (a) By an assessment, pursuant to a resolution or ordinance
27 of the board of supervisors, of each lot or piece of land in
28 proportion to its frontage abutting on the mains, allowing such
29 reduction in the case of properties abutting on more than one
30 main as the resolution or ordinance may specify. No assessment

1 by frontage shall be made on properties of such a character as
2 not to be lawfully subject to such manner of assessment, and
3 each abutting property shall be assessed with not less than the
4 whole amount of the benefit accruing to it and legally
5 assessable; or

6 (b) By an assessment upon the several properties abutting on
7 the mains in proportion to benefits. The amount of the charge on
8 each property shall be ascertained as hereinafter provided.

9 When there is more than one district, the assessment in each
10 district may be by different methods.]

11 Section 2612. Assessment.--The board of supervisors may
12 provide for the payment of the cost of water lines or water
13 systems in the township or in districts thereof by an assessment
14 upon the properties accommodated or benefited by one of the
15 following methods:

16 (1) By an assessment, under a resolution or ordinance of the
17 board of supervisors, of each lot or piece of land in proportion
18 to its frontage abutting on the water mains, allowing an
19 equitable reduction in the case of corner properties and
20 unusually shaped properties or in the case of properties
21 abutting on more than one main as the resolution or ordinance
22 may specify.

23 (2) By an equal assessment on all properties abutting on the
24 mains in proportion to the total cost of construction. The
25 amount of the charge on each property shall be determined by the
26 board of supervisors.

27 [Section 1611. Procedure for Assessment of Benefits.--In all
28 cases where the board of supervisors shall select the method
29 provided in subsection (b) of the foregoing section, they shall
30 petition the court of common pleas for appointment of viewers to

1 assess benefits. In all cases where they shall neglect for a
2 period of three months after the completion of the water system
3 to either ordain assessments by frontage or present petition for
4 appointment of viewers, taxpayers of the district or districts
5 affected whose property valuation, as assessed for taxable
6 purposes within the district, shall amount to fifty per centum
7 of the total property valuation, so assessed may present a
8 petition to the court of common pleas of the proper county for
9 the appointment of viewers to assess benefits; and, in all
10 cases, where such taxpayers shall, within three months of the
11 adoption of a resolution levying an assessment under the method
12 provided by subsection (a) of said foregoing section, by
13 petition, state to said court that such assessment
14 insufficiently represents the benefits accruing to abutting
15 properties, they may include in such petition a prayer for the
16 appointment of viewers to assess benefits. In either case, the
17 court shall thereupon appoint three disinterested persons from
18 the board of county viewers, none of whom shall be a resident of
19 that portion of the township which is accommodated by the water
20 system in question, and the viewers so appointed shall proceed
21 as provided in this act for proceedings for the assessment of
22 damages and benefits by viewers. The aggregate of the
23 assessments in any water district shall not exceed the amount
24 charged to such district for its share of the cost of the water
25 system construction unless the same shall, by petition of
26 taxpayers whose property valuation as aforesaid shall amount to
27 fifty per centum of the total property valuation, as assessed
28 for taxable purposes within the districts affected, presented
29 within three months after the adoption of a resolution or
30 ordinance providing for an assessment by frontage, be stated to

1 insufficiently represent the amount of benefits to such
2 properties, in which case the proceedings by taxpayers
3 authorized above shall be applicable. Upon the filing of such a
4 petition by taxpayers, as aforesaid, for appointment of viewers,
5 any assessment made by the supervisors and any proceedings
6 thereunder shall be stayed pending the disposition of the
7 petition by the court.]

8 Section 2613. Procedure for Assessment.--If any taxpayer or
9 taxpayers, by petition, within three months of the adoption of a
10 resolution or ordinance levying an assessment under section
11 2612, state to the court of common pleas that the assessment
12 insufficiently represents the benefits accruing to abutting
13 properties, they may include in the petition a request for the
14 appointment of viewers to assess benefits. The court shall
15 appoint three disinterested persons from the board of county
16 viewers, none of whom shall be a resident of that portion of the
17 township which is accommodated by the water system in question,
18 and the viewers shall proceed under this act for the assessment
19 of damages and benefits by viewers. Upon the filing of the
20 petition by taxpayers, any assessment made by the board of
21 supervisors and any proceedings shall be stayed pending the
22 disposition of the petition by the court.

23 [Section 1612. Liens for Assessments; Costs of
24 Proceedings.--After the amount of the assessment charged upon
25 the several properties has been established, either by
26 resolution or ordinance making assessments according to
27 frontage, or by confirmation of any report of viewers in whole
28 or in part, it shall be the duty of the township supervisors to
29 file municipal liens for the assessments covered by such
30 resolution, ordinance or confirmation within the time and in the

manner provided by law, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens. The amounts of all assessments shall be payable to the township treasurer for the use of the township. The supervisors shall also make out bills for the amount charged against each property, which shall be forthwith sent to all property owners affected residing in the township, and mailed to all such owners residing elsewhere whose address is known.

The costs of publication of notices in proceedings before viewers shall be paid by the township upon presentation of bills approved by the court.]

Section 2614. Liens for Assessments; Costs of Proceedings.--
After the amount of the assessment charged upon the several
properties has been established by resolution making assessments
according to frontage or by confirmation of any report of
viewers, in whole or in part, the board of supervisors shall
file municipal liens for the assessments covered by the
resolution or confirmation. The amounts of all assessments are
payable to the township treasurer. The board of supervisors
shall also make out bills for the amount charged against each
property, which shall be sent to all property owners.

ARTICLE XXVII

STORM WATER MANAGEMENT PLANS AND FACILITIES

Section 2701. Storm Water Management Systems Authorized.--
The board of supervisors may plan, design, construct, assemble,
install and alter facilities, including, but not limited to,
inlets, outlets, systems of piping, diversion terraces, grass
waterways, energy dissipaters, storm water retention devices and
natural or artificial infiltration areas, to manage surface
water runoff.

1 Section 2702. Construction of Storm Water Management

2 Facilities.--(a) The board of supervisors may acquire, by
3 purchase, deed of dedication or eminent domain proceedings, all
4 or part of any existing system or facility for the management of
5 surface water runoff which may have been established or
6 constructed by any property owner in the township or establish,
7 construct and maintain systems or facilities in the best
8 interest of the township.

9 (b) If the board of supervisors and the owners of systems
10 can agree upon a price to be paid by the township, the purchase
11 may be consummated if the amount to be paid does not exceed the
12 actual value of the facilities to be transferred.

13 (c) If the board of supervisors acquires the system by the
14 exercise of eminent domain, the damages shall be determined by
15 viewers under this act for eminent domain proceedings.

16 Section 2703. System Management.--(a) When exercising the
17 powers under this article, the board of supervisors shall manage
18 storm water originating in or passing through the township in a
19 manner which is consistent with the requirements of the act of
20 October 4, 1978 (P.L.864, No.167), known as the "Storm Water
21 Management Act," and the storm water management guidelines and
22 any regulations which may be adopted by the Department of
23 Environmental Resources.

24 (b) All storm water management activities undertaken must be
25 consistent with any watershed storm water management plan when
26 the plan has been approved by the Department of Environmental
27 Resources.

28 (c) When storm water management activities are undertaken in
29 watersheds for which there is no approved storm water management
30 plan, all drawings, documents, profiles and designs and

descriptions of the proposed activities to be undertaken by the township shall be submitted to the county conservation district for review and comment before the initiation of earthmoving activities. The conservation district shall have thirty days to review and respond with comments to the board of supervisors. Failure to respond within that time constitutes favorable comment by the conservation district.

Section 2704. Ordinances.--The board of supervisors may enact storm water management ordinances and require persons conducting earthmoving activities to obtain approval from the board of supervisors for those activities. Ordinances must be consistent with watershed storm water management plans where they exist and in all cases must be consistent with the act of October 4, 1978 (P.L.864, No.167), known as the "Storm Water Management Act."

ARTICLE [XVI-A] XXVIII

MANUFACTURE AND SALE OF ELECTRICITY

[Section 1601-A. Manufacture and Sale of Electricity.--Any township may manufacture electricity by means of a hydroelectric generating facility owned or operated by the township for the use of the inhabitants of such township. Any township owning or operating a hydroelectric generating facility may make contracts for the sale of electricity to persons engaged in the business of the manufacture or sale of electricity.]

Section 2801. Manufacture and Sale of Electricity.--Any township may manufacture electricity by means of a hydroelectric generating facility owned or operated by the township for the use of the inhabitants of the township. Any township owning or operating a hydroelectric generating facility may make contracts for the sale of electricity to persons engaged in the business

1 of the manufacture or sale of electricity.

2 [Section 1602-A. May Regulate Use and Prices.--Any township
3 furnishing electricity pursuant to this article may regulate the
4 use of said electricity in dwellings, business places, and other
5 places in such township, and the rate to be charged for the
6 same.]

7 Section 2802. Regulation of Use and Prices.--Any township
8 furnishing electricity under this article may regulate the use
9 of electricity in dwellings, business places and other places in
10 the township and the rate to be charged for the electricity.

11 [Section 1603-A. Sale of Hydroelectric Generating
12 Facilities.--By ordinance, a township may sell all or part of
13 its hydroelectric generating facilities to a purchaser for such
14 sale price as the parties may agree upon, and thereafter for all
15 purposes that price shall be deemed to be the purchaser's
16 original cost less accrued depreciation of the plant at the date
17 of purchase.]

18 Section 2803. Sale of Hydroelectric Generating Facilities.--
19 A township may, by ordinance, sell all or part of its
20 hydroelectric generating facilities to a purchaser for that sale
21 price as the parties may agree upon.

22 [Section 1604-A. Construction or Purchase of Hydroelectric
23 Generating Facilities.--Any township may construct or purchase
24 facilities for the purpose of manufacturing electricity by
25 hydroelectric generation. Any township may purchase a
26 hydroelectric generating facility at such price as may be agreed
27 upon by the township and the person, copartnership or a majority
28 of the stockholders of a corporation that owns such facilities.]

29 Section 2804. Construction or Purchase of Hydroelectric
30 Generating Facilities.--Any township may construct or purchase

facilities to manufacture electricity by hydroelectric generation. Any township may purchase a hydroelectric generating facility at that price as may be agreed upon by the township and the person, partnership or a majority of the stockholders of a corporation that owns the facilities.

[Section 1605-A. Submission to Electors.--Before any township shall construct or purchase a hydroelectric generating facility, the question of the increase of the debt of the township shall first be submitted to the qualified voters of the township in the manner provided by law for the increase of indebtedness of municipal corporations.]

Section 2805. Submission to Electors.--Before any township constructs or purchases a hydroelectric generating facility, the question of the increase of the debt of the township shall first be submitted to the qualified voters of the township in the manner provided by law for the increase in indebtedness of municipal corporations.

[Section 1606-A. Limitation on Indebtedness.--No township which constructs or purchases a hydroelectric generating facility shall incur any indebtedness for the construction or enlargement of a new or existing dam or impoundment structure but may incur indebtedness for repairs or reconstructions of an existing dam or impoundment in connection with the hydroelectric project.]

Section 2806. Limitation on Indebtedness.--No township which constructs or purchases a hydroelectric generating facility shall incur any indebtedness for the construction or enlargement of a new or existing dam or impoundment structure but may incur indebtedness for repairs or reconstruction of an existing dam or impoundment in connection with the hydroelectric project.

1 [ARTICLE XVII

2 PUBLIC BUILDINGS

3 Section 1702. Town Hall.--The supervisors of townships may
4 procure a suitable lot of ground, and erect or use a suitable
5 building thereon for a town hall for township purposes. For the
6 purpose of procuring a lot of ground and erecting a town hall,
7 the supervisors may borrow money at a rate of interest not
8 exceeding six per centum and issue bonds therefor.

9 Section 1703. Unloaders and Warehouses.--Townships may
10 purchase or lease land within or without the limits of such
11 townships, and erect thereon suitable unloaders, warehouses, or
12 other buildings as may be necessary for unloading, handling, and
13 storing road materials and supplies.

14 Section 1704. Appropriation of Property.--Townships may
15 enter upon and appropriate private property for the erection
16 thereon of a town hall, and such other public buildings as are
17 necessary for public purposes. No land or property used for any
18 cemetery, burying ground, public or parochial school,
19 educational or charitable institution, seminary, or place of
20 public worship shall be taken or appropriated by virtue of any
21 power contained in this section.

22 Section 1705. Resolution of Supervisors.--Whenever the
23 supervisors desire to acquire, enter upon, take, use, and
24 appropriate private property or lands for public buildings, they
25 shall declare such intention by an ordinance.

26 Section 1706. How Damages Are Assessed.--The compensation
27 and damages arising from such taking, using, and appropriating
28 of private property for such purposes shall be ascertained,
29 determined, awarded, and paid in the manner provided in this act
30 for eminent domain proceedings.

1 Section 1707. Use of Public Land Acquired for Other
2 Purposes.--Whenever the supervisors desire to take any lands
3 heretofore granted or dedicated to a use or purpose for which
4 they are no longer used, they shall pass an ordinance declaring
5 such intention and shall thereupon petition the court of common
6 pleas for leave to file the bond of the township for the purpose
7 of securing any person or persons who may be entitled to
8 compensation for such taking. The court shall thereupon direct
9 notice to be given by publication in at least two newspapers
10 circulating generally in the county. The court may increase the
11 amount of the bond, and shall hear all exceptions that are filed
12 against the petition and the sufficiency of the bond, and may
13 grant or deny the prayer of the petition. Upon the granting of
14 the petition and the approval of the bond, the supervisors may
15 enter upon and take such lands for the purposes of erecting
16 public buildings. The bond, which shall be in the name of the
17 Commonwealth, for the use of any person or persons who are
18 entitled to damage by reason of the taking of the lands, shall
19 remain on file for their use and benefit.

20 In case the compensation for damages, accruing from any such
21 appropriations, has not been agreed upon by the parties in
22 interest, the same may be assessed by viewers in accordance with
23 the provisions of this act for the assessment of damages in
24 eminent domain proceedings.

25 ARTICLE XVIII

26 LICENSES AND LICENSE FEES

27 (a) Transient Retail Merchants

28 Section 1801. Transient Retail Merchants to Be Licensed.--

29 Every person, whether principal or agent, entering into,
30 beginning, or desiring to begin, a transient retail business in

1 any township for the sale of any goods, wares, or merchandise
2 whatsoever, and who hires, leases, occupies, or uses any room,
3 apartment, store, shop, building, railway car, or other place or
4 structure for the exhibition and sale of such goods, wares, or
5 merchandise, shall, when ordained by the board of supervisors,
6 take out a license for the same from the supervisors of the said
7 township: Provided, however, That nothing herein contained shall
8 apply to farmers selling their own produce, or to any sale of
9 goods, wares, or merchandise, donated by the owners thereof, the
10 proceeds whereof are to be applied to any charitable or
11 philanthropic purpose.

12 Section 1802. Amount and Payment of License Fee; Penalty.--
13 The amount of such license in any township shall, when ordained
14 by the board of supervisors, be the sum of twenty-five dollars
15 per month, or fractional part thereof, to be paid to the
16 township treasurer. Said license shall be renewed monthly during
17 the continuance of said sale, and upon failure of any person so
18 to secure such license, he shall, upon conviction in a summary
19 proceeding, be fined not more than two hundred dollars, and, in
20 default of payment of said fines, shall be imprisoned in the
21 jail of the county for a period not exceeding thirty (30) days.

22 (b) Restrictions

23 Section 1811. Agents for Licensed Dealers Not to Be
24 Licensed.--It shall be unlawful for any township to levy any
25 license fee or mercantile tax upon any persons taking orders for
26 merchandise, by sample, from dealers or merchants. Nothing in
27 this section shall authorize any person to sell by retail to
28 others than dealers or merchants.

29 Section 1812. Insurance Agents and Brokers Not to Be
30 Licensed.--It shall be unlawful for any township to impose or

1 collect any license fee upon insurance companies, or their
2 agents, or insurance brokers, authorized to transact business
3 under the Insurance Laws of the Commonwealth.

4 Section 1813. License Fees on Residents Not to Exceed Those
5 on Nonresidents.--It shall be unlawful for any township to
6 impose, exact or collect, any license tax or fee upon or from
7 any manufacturer, or the agent, representative, or employe or
8 any manufacturer, who is a resident of the Commonwealth, for
9 soliciting orders for or for selling any goods, merchandise, or
10 wares manufactured within this Commonwealth that is not or
11 cannot legally be imposed upon or exacted or collected from any
12 manufacturer or dealer, or the agent, representative, or employe
13 of any manufacturer, who is a nonresident of the Commonwealth,
14 for soliciting orders for or for selling any goods, merchandise,
15 or wares manufactured without the Commonwealth.

16 ARTICLE XIX

17 PARKS, PLAYGROUNDS, GYMNASIUMS, PUBLIC BATHS,

18 SWIMMING POOLS, INDOOR RECREATION

19 CENTERS AND FORESTS

20 Section 1901. Acquisition of Lands and Buildings.--The
21 supervisors of any township may by ordinance separately or
22 jointly designate and set apart for use as parks, playgrounds,
23 playfields, gymnasiums, public baths, swimming pools, or indoor
24 recreation centers, hereinafter called public parks, recreation
25 areas and facilities, any lands or buildings, owned by such
26 township, and not dedicated or devoted to other public use. Such
27 township may acquire lands or buildings for such purposes by
28 gift, devise or purchase or by the exercise of the right of
29 eminent domain, or may lease lands or buildings in such township
30 for temporary use for such purposes. Whenever the supervisors

1 designate or acquire any lands, with or without buildings, under
2 the provisions of this section, except when the acquisition is
3 under a lease for temporary use, they may construct buildings
4 and facilities thereon for the purposes herein indicated.

5 Section 1902. Creation of Park and Recreation Boards.--The
6 authority to equip, supervise and maintain parks, recreation
7 areas and facilities and to conduct recreation programs may be
8 vested in any existing body or board or in a park board or
9 recreation board as the township supervisors may determine. The
10 supervisors may equip, operate, and maintain such parks,
11 recreation areas and facilities as authorized by this article.
12 Such supervisors may, for the purpose of carrying out the
13 provisions of this article, employ play leaders, recreation
14 directors, supervisors, superintendents, or any other officers
15 or employees as they deem proper. If the supervisors shall
16 determine that the power to equip, operate and maintain parks,
17 recreation areas and facilities shall be placed in a recreation
18 board, such board shall possess all the powers and be subject to
19 all the responsibilities of the board of supervisors under this
20 article. In such case the recreation board shall exercise its
21 powers and duties in establishing standards, qualifications and
22 salary schedules, to be approved by the supervisors, for all
23 classifications of recreation employees. Whenever boroughs,
24 cities, counties, townships, school districts, or any of them,
25 develop a cooperative plan of recreation service with a
26 township, the township recreation board shall have the power to
27 adjust its established personnel standards, qualifications and
28 salary schedules, to be approved by the supervisors, to meet the
29 terms of a joint operation agreed upon.

30 Section 1903. Composition of Park or Recreation Boards.--

1 Park or recreation boards, when established, shall consist of
2 five or seven persons, and when established in a township having
3 a school board, two of the members shall be members or
4 appointees of the school board. The other members of such boards
5 shall be appointed by the supervisors, and shall serve for terms
6 of five years or until their successors are appointed, except
7 that the members of such board first appointed shall be
8 appointed for such terms that the term of not more than two
9 members shall expire annually thereafter. Members of such board
10 shall serve without pay. All persons appointed shall serve their
11 full terms unless voluntarily resigned or removed by the
12 supervisors for dereliction or neglect of duty. Vacancies in
13 such board occurring otherwise than by expiration of term shall
14 be for the unexpired term, and shall be filled in the same
15 manner as original appointments.

16 Section 1904. Organization of Park or Recreation Board;
17 Powers and Duties Delegated to the Board by the Supervisors.--
18 The members of a park board or recreation board, established
19 pursuant to this article, shall elect their own chairman and
20 secretary and select all other necessary officers, to serve for
21 a period of one year. Such boards shall have power to adopt
22 rules and regulations for the conduct of all business within
23 their jurisdiction. Their jurisdiction shall include the right
24 to select, employ and discharge all recreation personnel used to
25 carry out the provisions of this article. It shall be the duty
26 of the recreation board and its executive to submit an annual
27 report to the township supervisors, including an analysis of the
28 community recreation areas, facilities and leadership, with
29 particular reference to the extent and adequacy of the program
30 and its effectiveness in view of the public expenditure involved

1 and the public needs to be met.

2 Section 1905. Joint Ownership and Maintenance.--Any township
3 may, jointly with anyone or more townships, boroughs and cities,
4 acquire property for and operate and maintain any parks and
5 public recreation areas and facilities. Any school district may
6 join with the township in equipping, operating and maintaining
7 parks, public recreation areas and facilities, and may
8 appropriate money therefor.

9 Section 1906. Bond Issues.--The township supervisors may
10 issue bonds for the purpose of acquiring lands or buildings for
11 parks, public recreation areas and facilities and for the
12 equipment thereof.

13 Section 1907. Maintenance and Tax Levy.--All expenses
14 incurred in the operation of such parks, recreation areas and
15 facilities, established as herein provided, shall be payable
16 from the general township fund or from the treasury of such
17 township, borough, city, county or school district, as may be
18 provided for by the agreement of the corporate authorities. The
19 supervisors may annually appropriate an amount necessary for
20 carrying out the provisions of this act, and may cause to be
21 raised by special taxation such tax, for the purpose of
22 maintaining, equipping and operating the parks, recreation areas
23 and facilities and the programs thereon.

24 Section 1908. Right of Acquisition of Forest Lands.--
25 Townships may acquire, by purchase, gift or lease, and hold
26 tracts of land covered with forest or tree growth, or suitable
27 for the growth of trees, and administer the same under the
28 direction of the Department of Forests and Waters, in accordance
29 with the practices and principles of scientific forestry, for
30 the benefit of the township. Such tracts may be of any size

1 suitable for the purpose, and may be located within or without
2 the township limits.

3 Section 1909. Approval of Secretary of Forests and Waters.--
4 Before the passage of any ordinance for the acquisition of land
5 to be used as township forests, the township supervisors shall
6 submit to the Department of Forests and Waters and secure its
7 approval of the area and location of such land.

8 Section 1910. Resolution and Notice.--Whenever the township
9 supervisors deem it expedient to acquire any lands for forests,
10 they shall so declare by an ordinance, wherein shall be set
11 forth all facts and conditions relating to the proposed action.

12 Section 1911. Appropriation for Acquisition.--All money
13 necessary for the purchase of such tracts shall be appropriated
14 in the same manner as appropriations for township purposes, and
15 such funds may be provided from the current revenue or by the
16 proceeds of a sale of general obligation bonds in accordance
17 with existing law.

18 Section 1912. Control of Forests by Secretary of Forests and
19 Waters.--Upon the acquisition of any forests or lands suitable
20 for forests, the township supervisors shall notify the
21 Department of Forests and Waters, which shall make such rules
22 for the government and proper administration of the same as may
23 be deemed necessary; and the department shall publish such
24 rules, declare the uses of the forest in accordance with the
25 intent of this article, and make such provision for its
26 administration, maintenance, protection, and development as
27 shall be deemed necessary or expedient. The rules governing the
28 administration of such forests shall have for their main purpose
29 the producing of a continuing township revenue by the sale of
30 forest products.

1 Section 1913. Appropriation for Maintenance.--All moneys
2 necessary to be expended for the administration, maintenance,
3 protection, and development of such forests shall be
4 appropriated and applied as is now done for township purposes.
5 All revenue and emoluments arising from such forests shall be
6 paid into the general township fund.

7 Section 1914. Use of Township Forests as Outing Grounds.--
8 Township forests may be used by the public as general outing or
9 recreation grounds, subject to the rules of the Department of
10 Forests and Waters governing their administration, and rules
11 adopted by the supervisors, not inconsistent with law and the
12 rules of the department.

13 Section 1915. Disposition of Township Forests; Procedure;
14 Ordinance; Submission of Question.--Whenever the township
15 supervisors deem it expedient to sell or lease any forest, or
16 part thereof, or products therefrom, they shall so declare by an
17 ordinance, wherein shall be set forth all the facts and
18 conditions relating to the proposed action. No ordinance shall
19 be effective in legalizing such alienation until it has been
20 approved by a majority vote of the people at the next ensuing
21 election.

22 Section 1916. Appropriation of Moneys to Forestry
23 Organizations.--The supervisors of any township may appropriate
24 moneys from the General Township Fund to any forest protection
25 association cooperating in forest work with the Department of
26 Forests and Waters, or to be expended in direct cooperation with
27 such department in forest work.

28 Section 1917. Approval of Electors for Acquisition of
29 Land.--The township supervisors hereby are authorized, on behalf
30 of the township, to accept the title to lands which may be

1 donated to the township for any of the purposes mentioned in
2 this article, but none of the other powers conferred upon them
3 by sections one thousand nine hundred and eight to one thousand
4 nine hundred and sixteen inclusive of this article shall be
5 exercised by them except after the approval thereof by the
6 electors of said township at an election for the purpose held on
7 a regular municipal election day, of which election notice shall
8 be given by publication in a newspaper of general circulation in
9 the county in which the township is located, said publication to
10 be at least ten days before the day of the election.

11 ARTICLE XIX-A

12 SANITARY BOARD

13 Section 1901-A.1. Establishment of Board of Health.--The
14 board of supervisors may appoint a township board of health and
15 township health officer for the purpose of administration and
16 enforcement of the health and sanitation laws of the township.
17 Where a board of health is appointed, such board may appoint a
18 health officer or inspector whose duties shall be to implement
19 and enforce the health and sanitation laws of the township and
20 actions of the board of health. Such health officer or
21 inspector, whether appointed by the board of supervisors or by
22 the board of health, shall not enter upon the performance of the
23 duties of office until certified as a qualified health officer
24 or inspector by the Department of Environmental Resources and
25 the Department of Health.

26 Section 1902-A. Members of Board of Health.--A board of
27 health appointed under the provisions of this article shall be
28 composed of five members at least one of whom shall be a
29 licensed physician of not less than two years experience in the
30 practice of his profession. The members of the board of health

1 shall be appointed by the board of supervisors. Upon the
2 creation of a board of health one member shall be appointed to
3 serve for one year, one for two years, one for three years, one
4 for four years, and one for five years, and thereafter one
5 member shall in like manner be appointed each year to serve for
6 five years. Upon the creation of a board of health in a township
7 which has an existing sanitary board, the township supervisors
8 may continue the incumbent members of the sanitary board as
9 members of the board of health. The members of the board of
10 health shall serve without compensation, but shall be reimbursed
11 for actual and necessary expenses incurred in the performance of
12 their duties. The secretary of the board of health shall be
13 entitled to receive a salary fixed by the board of supervisors
14 for that office.

15 Section 1903-A. Oaths of Members, Secretary and Health
16 Officer and Inspectors.--The members of the board of health
17 shall, severally, take and subscribe to the oath prescribed by
18 section five hundred one of this act, and shall, annually,
19 organize by electing a chairman from among the members of the
20 board, a secretary who may or may not be a member of the board,
21 and a health officer and inspectors who shall not be members of
22 the board. The secretary and the health officer and inspectors
23 shall receive such salary as may be fixed by the board of
24 supervisors, and shall serve for a period of one year or until
25 such time thereafter as their successors may be appointed and
26 qualified.

27 Section 1904-A. Duties of Secretary.--The secretary of the
28 board of health shall keep the minutes of the proceedings of the
29 board of health, shall keep accurate accounts of the
30 expenditures of the board of health, shall draw all requisitions

1 for the payment of moneys on account of the board of health from
2 appropriations made by the board of supervisors to the board of
3 health and shall present them to the chairman of the board of
4 health for his approval, shall render statements of the
5 expenditures to the board of health at each stated meeting or as
6 frequently as the board of health may require, shall prepare
7 under the directions of the board of health the annual report to
8 the board of supervisors together with the estimate of
9 appropriation needed for the ensuing year, and shall make such
10 other reports and perform such other duties as the board of
11 health may require.

12 Section 1905-A. Powers and Duties of Health Officers and
13 Inspectors.--It shall be the duty of the health officer and
14 inspectors to attend all stated and special meetings of the
15 board of health and at all times be ready and available for the
16 prompt performance of their official duties. They shall make
17 inspections, and shall execute the orders of the board of
18 health.

19 Section 1906-A. Powers of Board of Health.--The board of
20 health shall enforce the health and sanitation laws of the
21 Commonwealth and any regulations promulgated thereunder and the
22 health and sanitation laws and regulations of the township. Such
23 regulations, when authorized by ordinance of the township and
24 when advertised in accordance with appropriate law, shall have
25 the force of ordinances of the township. All penalties
26 prescribed for the violation thereof as well as the expenses
27 actually and necessarily incurred in carrying such ordinances
28 and regulations into effect shall be recoverable in enforcement
29 proceedings and paid into the general township fund. Townships
30 may establish and revise as necessary, such fees as are deemed

1 appropriate for licenses or permits issued by the township.

2 Section 1907-A. Entry Upon Premises.--The board of health,
3 health officer or inspectors, may enter upon any premises within
4 the township where there is reasonably suspected to exist any
5 health hazard or violation of health or sanitation laws or
6 regulations, or which are of a type that may give rise to a
7 health hazard. Such entry may be made with or without prior
8 notice to the owner or occupant.

9 Section 1908-A.1. Written Order for Violation.--Where the
10 board of health or health officer or inspectors determine that a
11 health or sanitation hazard or violation exists, a written order
12 shall be directed to the owner or occupant of the premises
13 involved, ordering an abatement of the hazard or violation and
14 the taking of such corrective action as the board of health or
15 health officer or inspectors may deem necessary under the
16 circumstances. Such order shall set forth a specific time in
17 which the abatement and corrective action shall be accomplished.
18 In the event the order is not complied with within the time
19 provided, the board of health or health officer or inspectors
20 may enter upon the premises and issue orders for the immediate
21 termination of activities creating the violation, the potential
22 violation and all acts of commerce conducted in, on or at the
23 premises in question. In addition, the board of health, health
24 officer or inspectors may proceed to enforce the law or
25 regulation being violated in the same manner as ordinances of
26 the township.

27 Section 1909-A.1. Appropriations and Annual Report.--The
28 board of supervisors shall make an annual appropriation to the
29 board of health or health officer in such amounts as the board
30 of supervisors shall deem appropriate. The board of health or

1 health officer shall, before the preparation of the annual
2 budget of the township, submit to the board of supervisors the
3 estimated expenses of the board of health or health officer for
4 the ensuing year. The board of health or health officer shall by
5 the first day of February of each year prepare and submit to the
6 board of supervisors and the regional office of the Department
7 of Environmental Resources and the Department of Health an
8 annual report, in writing, setting forth the activities and
9 expenditures of the board of health or health officer during the
10 prior calendar year.

11 Section 1910-A. Cooperation With Other Governmental
12 Agencies.--(a) Any township may cooperate and enter into
13 agreements with any other governmental agency in the
14 administration and enforcement of health and sanitation laws.

15 (b) If the board of supervisors abolishes the board of
16 health or positions of health officer or inspectors and
17 discontinues services under this article, the Department of
18 Environmental Resources and the Department of Health shall be
19 notified. An official copy of such action of the board of
20 supervisors shall be transmitted to the regional office of the
21 Department of Environmental Resources and the regional office of
22 the Department of Health.

23 (c) The township may request assistance from the Department
24 of Environmental Resources or the Department of Health where the
25 township feels such assistance is necessary for the health and
26 safety of its citizens.]

27 ARTICLE [XIX-B] XXIX

28 SHADE TREE COMMISSION

29 [Section 1901-B. Right of Establishment.--Townships may, by
30 ordinance, establish a commission to be known as the Shade Tree

1 Commission, but in townships where the township supervisors
2 shall not elect to create by ordinance a Shade Tree Commission,
3 the township supervisors may exercise all the rights and perform
4 the duties and obligations imposed by this article upon the
5 Shade Tree Commission.]

6 Section 2901. Right of Establishment.--The board of
7 supervisors may regulate the planting, maintenance and removal
8 of shade trees in the township or it may appoint a shade tree
9 commission to administer regulations for shade trees.

10 [Section 1902-B. Personnel of Commission Appointment; Terms;
11 Vacancies.--The commission shall be composed of residents of the
12 township, who shall be appointed by the township supervisors,
13 and shall serve without compensation.

14 Whenever a Shade Tree Commission is established by any
15 township, the township supervisors shall appoint one member for
16 a term of three years, one for a term of four years and one for
17 a term of five years.

18 On the expiration of the term of any shade tree commissioner,
19 a successor shall be appointed by the township supervisors to
20 serve for a term of five years.

21 Vacancies in the office of shade tree commissioner shall be
22 filled by the township supervisors for the unexpired term.]

23 Section 2902. Commission Members; Appointment; Terms;
24 Vacancies.--A shade tree commission shall be composed of three
25 members who shall be residents of the township. The initial
26 terms of members shall be for periods of three years, four years
27 and five years respectively. All subsequent terms shall be for a
28 period of five years. Members of the commission shall serve
29 without compensation but shall be reimbursed for actual and
30 necessary expenses incurred in the performance of their duties.

1 Vacancies in the office of shade tree commissioner shall be
2 filled by the board of supervisors for the unexpired term.

3 [Section 1903-B. Powers May be Vested in Park Board.--
4 Whenever in any township there exists a board for the care of
5 public parks, the township supervisors may, by ordinance, confer
6 on the park board all the powers and all the duties prescribed
7 by this article for the Shade Tree Commission.]

8 Section 2903. Powers May be Vested in Recreation Board.--
9 When there exists a board for the care of public parks, the
10 board of supervisors may, by ordinance, confer on the recreation
11 board all the powers and duties under this article for a shade
12 tree commission.

13 [Section 1904-B. General Powers of Commission.--The
14 commission shall have exclusive custody and control of the shade
15 trees in the township and is authorized to plant, remove,
16 maintain and protect shade trees on the public streets and
17 highways in the township.]

18 Section 2904. General Powers of Commission.--The shade tree
19 commission has exclusive control of the shade trees in the
20 township and is authorized to plant, remove, maintain and
21 protect shade trees on the public streets and highways in the
22 township, including State highways.

23 [Section 1905-B. Hiring of Employes; Legislative Power of
24 Commission.--The commission may, with the approval of the
25 township supervisors, employ and pay such superintendents,
26 engineers, foresters, tree wardens or other assistants as the
27 proper performance of the duties devolving upon it shall
28 require, and may make, publish and enforce regulations for the
29 care and protection of the shade trees of the township. No such
30 regulation shall be in force until it has been approved by the

1 township supervisors and until it has been published at least
2 twice in not more than two newspapers of general circulation in
3 the township, and, if no newspapers are published in the
4 township, then in such newspapers circulating in the township.]

5 Section 2905. Hiring of Employees.--The shade tree commission
6 may, with the approval of the board of supervisors, employ
7 persons to perform the duties and directions of the commission
8 and make, publish and enforce regulations for the care and
9 protection of the shade trees of the township. No regulations
10 shall be in force until approved by the board of supervisors and
11 until published at least once in a newspaper of general
12 circulation in the township.

13 [Section 1906-B. Report of Commission.--The Shade Tree
14 Commission shall, annually, report in full to the township
15 supervisors its transactions and expenses for the last fiscal
16 year of the township. The park board may incorporate such
17 transactions and expenses in its regular report to the township
18 supervisors.]

19 Section 2906. Report of Commission.--The shade tree
20 commission shall annually report to the board of supervisors its
21 transactions and expenses for the preceding fiscal year of the
22 township.

23 [Section 1907-B. Removal of Diseased Trees.--The commission
24 may, upon such notice as may be provided by ordinance, require
25 owners of property to cut and remove trees afflicted with the
26 Dutch elm or other disease which threatens to injure or destroy
27 shade trees in the township, under regulations prescribed by
28 ordinance. Upon failure of any such owner to comply with such
29 notice, the township may cause the work to be done by the
30 township, and levy and collect the costs thereof from the owner

1 of the property. The cost of such work shall be a lien upon the
2 premises from the time of the commencement of the work, which
3 date shall be fixed by the township engineer and shall be filed
4 with the township secretary. Any such lien may be collected by
5 action in assumpsit, or by lien filed in the manner provided by
6 law for the filing and collection of municipal claims.]

7 Section 2907. Removal of Diseased or Dangerous Trees.--(a)
8 The shade tree commission or, if no commission exists, the board
9 of supervisors may require owners of property to cut and remove
10 trees located on the property if the condition of the trees,
11 through disease or otherwise, unreasonably affects or interferes
12 with the health, safety or welfare of the public or the right of
13 the public to the unobstructed use of public roads or property.

14 (b) If, within thirty days after the date of notice to
15 remove the trees, the property owner has not complied with that
16 order, the commission or the board of supervisors may enter the
17 premises and remove the trees.

18 (c) The cost of cutting and removal of trees by the township
19 shall be charged to the property owner. The charge shall be a
20 lien against the real estate of the property owner and shall be
21 collected in the same manner as other municipal liens.

22 [Section 1908-B. Assessments; Liens.--Upon the filing of the
23 certificate with the township supervisors, the township
24 secretary shall cause thirty days' written notice to be given to
25 the persons against whose property an assessment has been made.
26 The notice shall state the amount of the assessment and the time
27 and place of payment and shall be accompanied by a copy of the
28 certificate.

29 The amount assessed against the real estate shall be a lien
30 from the time of the filing of the certificate with the township

1 supervisors, and if not paid within the time designated in the
2 notice, a claim may be filed and collected by the township in
3 the same manner as municipal claims are filed and collected.

4 Section 1909-B. Maintenance by Township Funds.--For the cost
5 and expenses of caring for such trees after having been planted
6 and the expense of publishing the notice hereinbefore provided
7 shall be paid by the township.

8 The needed amount shall each year be certified by the shade
9 tree commissioners to the township supervisors, and shall be
10 drawn against, as required by the commission, in the same manner
11 as money appropriated for township purposes.

12 The township supervisors, instead of levying the tax
13 authorized under the general tax levying powers of this act, may
14 provide, for the expense of caring for trees already planted and
15 of publishing the notice, by appropriations equal to the amount
16 certified to be required by the Shade Tree Commission.]

17 Section 2908. Maintenance by Township Funds.--The shade tree
18 commission shall annually certify the costs incurred under this
19 article to the board of supervisors. The costs shall be paid
20 from the general township fund.

21 [Section 1910-B. Penalties.--The commission to the extent as
22 may be provided by ordinance of the township may assess
23 penalties for the violation of its regulations and of this
24 article so far as it relates to shade trees. Any penalty so
25 assessed shall be a lien upon the real estate of the offender
26 and may be collected as municipal claims are collected.]

27 Section 2909. Penalties.--The shade tree commission, to the
28 extent provided by ordinance of the township, may assess
29 penalties for the violation of its regulations and of this
30 article as far as it relates to shade trees. Any penalty so

1 assessed shall be a lien upon the real estate of the offender
2 and may be collected as municipal claims are collected.

3 [Section 1911-B. Disposition of Penalties.--All penalties or
4 assessments imposed under this article shall be paid to the
5 township treasurer to be placed to the credit of the Shade Tree
6 Commission subject to be drawn upon by the commission for the
7 purposes of the preceding sections.]

8 Section 2910. Disposition of Penalties.--All penalties or
9 assessments imposed under this article shall be paid to the
10 township.

11 ARTICLE XXX

12 BOARD OF HEALTH

13 Section 3001. Establishment of Board of Health.--The board
14 of supervisors may appoint a township board of health and
15 township health officer to administer and enforce the health and
16 sanitation laws of the township. If a board of health is
17 appointed, the board of health may appoint a health officer or
18 inspector whose duties shall be to implement and enforce the
19 health and sanitation laws of the township and actions of the
20 board of health. The health officer or inspector, whether
21 appointed by the board of supervisors or by the board of health,
22 shall not assume the performance of the duties of office until
23 certified as a qualified health officer or inspector by the
24 Department of Environmental Resources and the Department of
25 Health.

26 Section 3002. Members of Board of Health.--A board of health
27 appointed under this article shall be composed of five members,
28 at least one of whom shall be a licensed physician with not less
29 than two years' experience in the practice of his profession.
30 The members of the board of health shall be appointed by the

1 board of supervisors. Upon the creation of a board of health,
2 one member shall be appointed to serve for one year, one for two
3 years, one for three years, one for four years and one for five
4 years, and after that one member shall be appointed each year to
5 serve for five years. Upon the creation of a board of health in
6 a township which has an existing sanitary board, the board of
7 supervisors may continue the incumbent members of the sanitary
8 board as members of the board of health. The members of the
9 board of health shall serve without compensation but shall be
10 reimbursed for actual and necessary expenses incurred in the
11 performance of their duties.

12 Section 3003. Organization, Secretary, Health Officer and
13 Inspectors.--The members of the board of health shall annually
14 organize by electing a chairman from among the members of the
15 board of health, a secretary who may be a member of the board of
16 health and a health officer and inspectors who shall not be
17 members of the board of health. The secretary, health officer
18 and inspectors shall each receive a salary as determined by the
19 board of supervisors and shall serve for a period of one year or
20 until their successors may be appointed and qualified.

21 Section 3004. Duties of Secretary.--The secretary of the
22 board of health shall keep the minutes of the proceedings of the
23 board of health, keep accurate accounts of the expenses of the
24 board of health, draw all requisitions for the payment of moneys
25 on account of the board of health from appropriations made by
26 the board of supervisors to the board of health and present them
27 to the board of health for approval, render statements of the
28 expenses to the board of health at each stated meeting or as
29 frequently as the board of health may require, prepare under the
30 direction of the board of health the annual report to the board

1 of supervisors, together with the estimate of appropriation
2 needed for the ensuing year, and make other reports and perform
3 other duties as the board of health may require.

4 Section 3005. Powers and Duties of Health Officer and
5 Inspectors.--The health officer and inspectors shall attend all
6 stated and special meetings of the board of health and at all
7 times be ready and available for the prompt performance of their
8 official duties. They shall make inspections and execute the
9 orders of the board of health.

10 Section 3006. Powers of Board of Health.--(a) The board of
11 health shall enforce the health and sanitation laws of this
12 Commonwealth and any regulations adopted under those laws and
13 the health and sanitation laws and regulations of the township.

14 (b) Regulations, when authorized by ordinance of the
15 township, shall have the force of ordinances of the township.
16 All penalties prescribed for violation of the regulations, as
17 well as the expenses actually and necessarily incurred in
18 enforcing ordinances and regulations, are recoverable in
19 enforcement proceedings and shall be paid into the general
20 township fund. Townships may establish and revise fees for
21 licenses or permits issued by the township as necessary.

22 Section 3007. Entering Premises.--The board of health,
23 health officer or inspectors may enter at any time any premises
24 within the township where there is reasonably suspected to exist
25 any health hazard or violation of health or sanitation laws or
26 regulations or which are of a type that may give rise to a
27 health hazard.

28 Section 3008. Written Order for Violation.--When the board
29 of health, health officer or inspectors determine that a health
30 or sanitation hazard or violation exists, a written order shall

1 be directed to the owner or occupant of the premises involved,
2 ordering an abatement of the hazard or violation and the taking
3 of corrective action as the board of health, health officer or
4 inspectors may deem necessary under the circumstances. The order
5 shall set forth a specific time in which the abatement and
6 corrective action shall be accomplished. If the order is not
7 complied with within the time provided, the board of health,
8 health officer or inspectors may enter the premises and issue
9 orders for the immediate termination of activities creating the
10 violation, the potential violation and all acts of commerce
11 conducted in, on or at the premises in question. In addition,
12 the board of health, health officer or inspectors may proceed to
13 enforce the law or regulation being violated the same as
14 ordinances of the township.

15 Section 3009. Appropriations and Annual Report.--The board
16 of supervisors shall make an annual appropriation to the board
17 of health as the board of supervisors determines. The board of
18 health or health officer shall, before the preparation of the
19 annual budget of the township, submit to the board of
20 supervisors the estimated expenses of the board of health or
21 health officer for the ensuing year. The board of health or
22 health officer shall, by the first day of February of each year,
23 prepare and submit to the board of supervisors and the regional
24 office of the Department of Environmental Resources and the
25 Department of Health an annual report in writing, setting forth
26 the activities and expenditures of the board of health or health
27 officer during the prior calendar year.

28 Section 3010. Cooperation With Other Municipal
29 Corporations.--(a) Any township may cooperate and contract with
30 any other municipal corporation in the administration and

1 enforcement of health and sanitation laws.

2 (b) If the board of supervisors abolishes the board of
3 health or positions of health officers or inspectors and
4 discontinues services under this article, the Department of
5 Environmental Resources and the Department of Health shall be
6 notified. An official copy of the action of the board of
7 supervisors shall be transmitted to the regional office of the
8 Department of Environmental Resources and the regional office of
9 the Department of Health.

10 (c) The board of supervisors, the board of health or the
11 health officer may request assistance from the Department of
12 Environmental Resources or the Department of Health if the
13 assistance is deemed necessary for the health and safety of
14 township citizens.

15 ARTICLE XXXI

16 CONTRACTS

17 Section 3101. Power to Make Contracts.--The board of
18 supervisors may make contracts for purchases under this act and
19 the laws of this Commonwealth.

20 Section 3102. Letting Contracts.--(a) All contracts or
21 purchases in excess of the required advertising amount of ten
22 thousand dollars (\$10,000), except those specifically excluded,
23 shall not be made except with and from the lowest responsible
24 bidder after due notice in one newspaper of general circulation
25 in the township. The notice for bids shall be published at least
26 two times at intervals of not less than three days in daily
27 newspapers or once a week for two successive weeks in weekly
28 newspapers. The first advertisement shall be published not more
29 than forty-five days, and the second advertisement not less than
30 ten days, before the date set for the opening of bids. Notice of

proposed contracts or purchases shall also be posted where the board of supervisors normally meets or in a conspicuous place within the township. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, and give the date, time and place of a meeting at which an individual or committee appointed by the board of supervisors or the board of supervisors will open and read the bids.

(b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars (\$4,000) but are less than the amount requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) The board of supervisors may purchase or make contracts under the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," if no bids are received on an item after proper notices.

(d) The amount of the contract, whether of straight sale

price, conditional sale, lease, lease purchase or otherwise, is the entire amount the township pays to the successful bidder in order to obtain the services or property, or both, and does not mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits.

(e) The acceptance of bids shall only be made by public announcement at the meeting at which bids are opened by the board of supervisors, or received from the individual or committee appointed by the board of supervisors to open and read bids, or at a subsequent meeting of the board of supervisors, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the meetings are not held, the same business may be transacted at a subsequent meeting if at least five days' notice of the meeting is published in the same newspaper as the notice of bids.

(f) The board of supervisors may reject all bids received if it is believed to be in the best interest of the township.

(g) Unless covered under the bonding requirements of the act of December 20, 1967 (P.L.869, No.385), known as the "Public Works Contractors' Bond Law of 1967," the successful bidder shall furnish a bond guaranteeing performance of the contract, in the amount of fifty percent of the amount of the contract, within twenty days after the contract is awarded. If the bidder fails to furnish the bond within twenty days, unless delivery is made or the entire contract is fulfilled during that time, the contract is void. Delivery, accomplishment and guarantees may be required in all cases, including the exceptions contained in this section.

(h) The contracts or purchases made by the board of supervisors involving payments in excess of the required

advertising amount, which do not require advertising or bidding,
are as follows:

(1) Those made for emergency repairs or replacements for
water, electric light and other public works of the township if
they do not constitute new additions, extensions or enlargements
of existing facilities and equipment.

(2) Those made for improvements, repairs or maintenance of
any kind made or provided by any township through its own
employees. All contracts or purchases of materials used for
improvement, maintenance or construction in excess of four
thousand dollars (\$4,000) but less than the required advertising
amount are subject to the provisions contained in subsection
(b), and those contracts or purchases in excess of the required
advertising amount are subject to the advertising requirements
contained in subsection (a).

(3) Those involving any policies of insurance or surety
company bonds, those made for public utility service and those
made with another municipal corporation, county, school district
or municipality authority or Federal or State Government,
including the sale, leasing or loan of any supplies or materials
by the Federal or State Government or their agencies.

(4) Those involving personal or professional services.

(5) Those made for materials and supplies or equipment
rental under emergency conditions under 35 Pa.C.S. Pt. V
(relating to emergency management services).

(6) Those contracts involving equipment rental with
operators if more than fifty percent of the total labor
personnel hours required for the completion of the contract is
supplied by the township through its own employees.

(7) Those contracts for the purchase of repair parts or

materials for use in existing township equipment or facilities if the item or material to be purchased is the sole item of its kind on the market or is manufactured as a replacement for the original item or equipment being repaired.

(i) No township official, either elected or appointed, or township employe who knows, or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township or for any work to be done for the township involving the payment by the township of more than five hundred dollars (\$500) in any year unless the contract is awarded through the public bid process. This limitation does not apply if the officer or appointee of the township is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and the officer cannot possibly be benefited thereby, either financially or otherwise. If a supervisor is within this exception, the supervisor shall so inform the board of supervisors and refrain from voting on the payments and shall in no manner participate in the contract. Any official or appointee who knowingly violates this provision is subject to surcharge to the extent of the damage shown to be sustained by the township, is ousted from office or employment and commits a misdemeanor of the third degree.

(j) Contracts for the purchase of materials or rental of equipment for the construction, reconstruction, maintenance and improvement of roads and bridges shall be in writing and let only on standard specifications of the Department of Transportation.

1 (k) Every contract for the construction, reconstruction,
2 alteration, repair, improvement or maintenance of public works
3 shall comply with the act of March 3, 1978 (P.L.6, No.3), known
4 as the "Steel Products Procurement Act."

5 (l) No person, consultant, firm or corporation contracting
6 with a township for purposes of rendering personal or
7 professional services to the township shall share with any
8 township officer or employe, and no township officer or employe
9 shall accept, any portion of the compensation or fees paid by
10 the township for the contracted services provided to the
11 township except under the following terms or conditions:

12 (1) Full disclosure of all relevant information regarding
13 the sharing of the compensation or fees shall be made to the
14 board of supervisors.

15 (2) The board of supervisors must approve the sharing of any
16 fee or compensation for personal or professional services before
17 the performance of the services.

18 (3) No fee or compensation for personal or professional
19 services may be shared except for work actually performed.

20 (4) No shared fee or compensation for personal or
21 professional services may be paid at a rate in excess of the
22 commensurate for similar personal or professional services.

23 Section 3103. Road Contracts.--The board of supervisors may
24 make a contract for the improvement and keeping in repair of
25 township roads. No contract shall extend over a period of more
26 than four years. Every contractor for road work shall give bond
27 for the amount of the contract and sign specifications furnished
28 by the board of supervisors for the building and care of the
29 contract roads.

30 Section 3104. Evasion of Advertising Requirements.--(a) No

1 supervisor shall evade the provisions of section 3101 as to
2 advertising for bids by purchasing or contracting for services
3 and personal properties piecemeal to obtain prices under the
4 required advertising price. This provision is intended to make
5 unlawful the evading of advertising requirements by making a
6 series of purchases or contracts each for less than the
7 advertising requirement price, or by making several simultaneous
8 purchases or contracts each below the required advertising
9 price, when the transactions involved should have been made as
10 one transaction for one price. Any supervisors who vote in
11 violation of this provision and who know that the transaction
12 upon which they vote is or ought to be part of a larger
13 transaction and that it is being divided in order to evade the
14 requirements as to advertising for bids are jointly and
15 severally subject to surcharge for ten percent of the full
16 amount of the contract or purchase.

17 (b) Any supervisor who votes to unlawfully evade the
18 provisions of this article and who knows that the transaction
19 upon which he so votes is or ought to be a part of a larger
20 transaction and that it is being divided in order to evade the
21 requirements as to advertising for bids commits a misdemeanor of
22 the third degree for each contract entered into as a direct
23 result of that vote. This penalty shall be in addition to any
24 surcharge which may be assessed pursuant to subsection (a).

25 Section 3105. Bonds for Protection of Labor and Material
26 Suppliers.--Before any contract exceeding five thousand dollars
27 (\$5,000) is awarded to any prime contractor or construction
28 manager for the construction, reconstruction, alteration or
29 repair of any building or other public work or public
30 improvement of the township, the contractor shall furnish to the

township a payment bond for the protection of claimants
supplying labor or materials to the prime contractor to whom the
contract is awarded, at one hundred percent of the contract
amount, conditioned for the prompt payment of all materials
furnished or labor supplied or performed in the prosecution of
the contract under the act of December 20, 1967 (P.L.869,
No.385), known as the "Public Works Contractors' Bond Law of
1967."

Section 3106. Purchase Contracts for Supplies and Equipment;
Fire Company, Et Cetera; Participation.--The board of
supervisors may permit any paid or volunteer fire company, paid
or volunteer rescue company and paid or volunteer ambulance
company in the township to participate in purchase contracts for
supplies and equipment of the township and agreeing that it will
be bound by any terms and conditions the township prescribes.

Section 3107. Separate Specifications for Branches of
Work.--In the preparation of specifications for the erection or
alteration of any public building, when the entire cost of the
work exceeds the advertising requirement price, the architect,
engineer or person preparing the specifications shall prepare
separate specifications for the plumbing, heating, ventilating
and electrical work, and the township shall receive separate
bids upon each of those branches of work and award the contract
to the lowest bidder.

Section 3108. Workers' Compensation Insurance.--(a) All
contracts executed by any township which involve the
construction or performance of any work involving the employment
of labor shall contain a provision that the contractor shall
accept, and file with the township proof of compliance with or
exemption from, insofar as the work covered by the contract is

concerned, the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act."

(b) Any contract executed in violation of this section is void.

Section 3109. Engineers and Architects Not to be Interested in Contracts.--(a) No architect or engineer in the employ of a township and engaged in the preparation of plans, specifications or estimates may bid on any public work at any letting of the work in the township.

(b) An officer of a township who is charged with letting any public work may not award a contract to any architect or engineer in the employ of the township.

(c) An architect or engineer in the employ of a township may not be interested in any contract for public work in the township or receive any remuneration or gratuity from any person interested in any contract except under section 3102(k).

(d) Any person who violates this section commits a misdemeanor of the third degree.

ARTICLE XXXII

TAXATION AND FINANCE

Section 3201. Fiscal Year.--The fiscal year in townships commences on the first day of January in each year. All receipts, disbursements, contracts and purchases shall be entered as of record in the fiscal year in which made.

Section 3202. Annual Budget.--(a) The board of supervisors shall annually prepare a proposed budget for all funds for the ensuing fiscal year. The proposed budget shall reflect as nearly as possible the estimated revenues and expenses of the township for the year for which the budget is prepared. A township shall not prepare and advertise notice of a proposed budget when it is

1 knowingly inaccurate. Upon any revision of the proposed budget,
2 if the estimated revenues or expenses in the final budget are
3 increased more than ten percent in the aggregate or more than
4 twenty-five percent in any major category over the proposed
5 budget, it may not be legally adopted with those increases
6 unless it is again advertised once, the same as the original
7 proposed budget, and an opportunity given to taxpayers to
8 examine the amended proposed budget. A major category is a group
9 of related revenue or expense items, the combined total of which
10 is listed as a line item on the annual budget forms furnished by
11 the Department of Community Affairs under section 3203. The
12 budget shall be prepared on a uniform form prepared and
13 furnished under section 3203. The estimates in the budget shall
14 specify the amount of money necessary for each governmental
15 activity of the township for which a special tax levy may or may
16 not be authorized and the amount of money necessary for the
17 payment of debts and other miscellaneous purposes.

18 (b) Upon the preparation of the proposed budget, the board
19 of supervisors shall give public notice by advertisement once in
20 one newspaper of general circulation in the township that the
21 proposed budget is available for public inspection at a
22 designated place in the township. After the proposed budget has
23 been available for public inspection for twenty days, the board
24 of supervisors shall, after making revisions as are appropriate,
25 adopt the final budget not later than the thirty-first day of
26 December and the necessary appropriation measures required to
27 put it into effect.

28 (c) The total appropriation shall not exceed the revenues
29 estimated as available for the fiscal year. The board of
30 supervisors shall, within fifteen days after the adoption of the

1 budget, file a copy of the budget with the Department of
2 Community Affairs.

3 (d) During the month of January next following any municipal
4 election, the board of supervisors may amend the budget and the
5 levy and tax rate to conform with its amended budget. A period
6 of ten days' public inspection at the office of the township
7 secretary of the proposed amended budget, after notice by the
8 township secretary to that effect is published once in a
9 newspaper of general circulation in the township, shall
10 intervene between the adoption of the proposed amended budget
11 and the final adoption of the amended budget. Any amended budget
12 must be adopted by the board of supervisors on or before the
13 fifteenth day of February. No proposed amended budget shall,
14 before final adoption, be revised upward in excess of ten
15 percent in the aggregate or in excess of twenty-five percent of
16 the amount of any major category in the proposed amended budget.
17 A major category is a group of related revenue or expense items,
18 the combined total of which is listed as a line item on the
19 annual budget forms furnished by the Department of Community
20 Affairs under section 3203. Within fifteen days after the
21 adoption of an amended budget, the township secretary shall file
22 a copy of it with the Department of Community Affairs.

23 (e) The board of supervisors may, by resolution, make
24 supplemental appropriations for any purpose from any funds on
25 hand or estimated to be received within the fiscal year and not
26 otherwise appropriated, including the proceeds of any borrowing
27 authorized by law. Supplemental appropriations may be made
28 whether or not an appropriation for that purpose was included in
29 the original budget as adopted.

30 (f) The board of supervisors may, by resolution, transfer

unencumbered moneys from one township account to another, but no moneys may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. Transfers shall not be made during the first three months of the fiscal year. No moneys shall be paid out of the township treasury except upon appropriation made according to law.

Section 3203. Uniform Report Forms.--(a) The uniform forms for the annual budget and the annual financial statement required to be made by the auditors shall be prepared by a committee consisting of four representatives of the State Association of Township Supervisors and one representative each from the Department of Transportation and the Department of Community Affairs.

(b) Representatives of the State Association of Township Supervisors shall be appointed by the president of that organization. The representatives may be township supervisors, auditors or secretaries and should represent townships in the various population groups. The president of the State Association of Township Supervisors shall supply to the Department of Community Affairs the names and addresses of the representatives immediately upon their appointment.

(c) Representatives of the townships shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee from appropriations made to the Department of Community Affairs. The committee shall meet at the call of the Secretary of Community Affairs, or an agent of the secretary, who shall chair the committee.

(d) In preparing the uniform forms, the committee shall give

1 careful consideration to the fiscal needs and procedures of
2 townships of the various population groups, producing separate
3 forms, if necessary, to meet the needs of townships of varying
4 sizes. The form for annual reports shall contain the information
5 required to be furnished under this act and any other
6 information the committee believes proper and shall be arranged
7 to correlate with the forms for the budget, respecting order of
8 items and division of revenues by major classifications and
9 disbursements by major functions. The committee shall also
10 prescribe the form of the statement summarizing the annual
11 report which is required to be published under this act.

12 (e) The Department of Community Affairs shall prepare and
13 furnish the forms required by this act in cooperation with the
14 committee. If the committee fails to cooperate, the Department
15 of Community Affairs shall issue the forms and distribute them
16 annually, as needed, to the proper township officers.

17 Section 3204. Investment of Township Funds.--(a) The board
18 of supervisors may:

19 (1) Make investment of township sinking funds as authorized
20 by the act of July 12, 1972 (P.L.781, No.185), known as the
21 "Local Government Unit Debt Act."

22 (2) Make investment of moneys in the general fund and in
23 special funds of the township.

24 (3) Liquidate any investment, in whole or in part, by
25 disposing of securities or withdrawing funds on deposit. Any
26 action taken to make or to liquidate any investment shall be
27 made by the officers designated by action of the board of
28 supervisors.

29 (b) The board of supervisors shall invest township funds
30 consistent with sound business practice.

1 (c) The board of supervisors shall provide for an investment
2 program subject to restrictions contained in this act and in any
3 other applicable statute and any rules and regulations adopted
4 by the board of supervisors.

5 (d) Authorized types of investments of township funds are:

6 (1) United States Treasury bills.

7 (2) Short-term obligations of the Federal Government or its
8 agencies or instrumentalities.

9 (3) Deposits in savings accounts or time deposits, other
10 than certificates of deposit, or share accounts of institutions
11 insured by the Federal Deposit Insurance Corporation, the
12 National Credit Union Share Insurance Fund, the Pennsylvania
13 Deposit Insurance Corporation or the Pennsylvania Savings
14 Association Insurance Corporation, or their successor agencies,
15 to the extent that the accounts are so insured and, for any
16 amounts above the insured maximum, if approved collateral
17 therefor is pledged by the depository.

18 (4) Obligations of the United States of America or any of
19 its agencies or instrumentalities backed by the full faith and
20 credit of the United States of America, of the Commonwealth of
21 Pennsylvania or any of its agencies or instrumentalities backed
22 by the full faith and credit of the Commonwealth or of any
23 political subdivision of the Commonwealth of Pennsylvania or any
24 of its agencies or instrumentalities backed by the full faith
25 and credit of the political subdivision.

26 (5) Shares of an investment company registered under the
27 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
28 et seq.), whose shares are registered under the Securities Act
29 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if the only
30 investments of that company are in the authorized investments

1 for township funds listed in paragraphs (1) through (4).

2 (6) Certificates of deposit purchased from institutions
3 insured by the Federal Deposit Insurance Corporation, the
4 National Credit Union Share Insurance Fund, the Pennsylvania
5 Deposit Insurance Corporation or the Pennsylvania Savings
6 Association Insurance Corporation, or their successor agencies,
7 to the extent that the accounts are so insured. However, for any
8 amounts above the insured maximum, the certificates of deposit
9 shall be secured by a pledge or assignment of assets of the
10 institution, and the collateral may include loans, including
11 interest in pools of loans, secured by first mortgage liens on
12 real property. Certificates of deposit purchased from commercial
13 banks shall be limited to an amount equal to twenty percent of a
14 bank's total capital and surplus. Certificates of deposit
15 purchased from savings and loan associations or savings banks
16 shall be limited to an amount equal to twenty percent of an
17 institution's assets minus liabilities.

18 (7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating
19 to fiduciaries investments). This paragraph is limited to
20 investments for any pension or retirement fund.

21 (e) In making investments of township funds, the board of
22 supervisors may:

23 (1) Permit assets pledged as collateral under subsection
24 (d)(3) to be pooled under the act of August 6, 1971 (P.L.281,
25 No.72), entitled "An act standardizing the procedures for
26 pledges of assets to secure deposits of public funds with
27 banking institutions pursuant to other laws; establishing a
28 standard rule for the types, amounts and valuations of assets
29 eligible to be used as collateral for deposits of public funds;
30 permitting assets to be pledged against deposits on a pooled

basis; and authorizing the appointment of custodians to act as pledgees of assets."

(2) Combine moneys from more than one fund under township control for the purchase of a single investment if each of the funds combined for the purpose is accounted for separately in all respects and the earnings from the investment are separately and individually computed and recorded and credited to the accounts from which the investment was purchased.

(3) Join with one or more other municipal corporations, municipality authorities or school districts under the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, in the purchase of a single investment if the requirements of paragraph (2) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to.

Section 3205. Township and Special Tax Levies.--(a) The board of supervisors may, by resolution, levy taxes upon all real property within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates specified in this section. All taxes shall be collected in cash.

(1) An annual tax, not exceeding fourteen mills, for general township purposes. If the board of supervisors petitions the court of common pleas for the right to levy additional millage, the court may order a greater rate than fourteen mills, but not exceeding five additional mills, to be levied.

(2) An annual tax, not exceeding five mills, to light the highways, roads and other public places in the township.

(3) An annual tax, not exceeding fifty percent of the rate

of assessment for the general township tax, to procure land and erect public buildings thereon and for the payment of indebtedness incurred in connection therewith.

(4) An annual tax, not exceeding three mills, to purchase and maintain fire apparatus and a suitable place to house fire apparatus; to make appropriations to fire companies located inside and outside the township; to purchase workers' compensation and liability insurance for volunteer firemen; and to contract with adjacent municipal corporations or volunteer fire companies therein for fire protection. If an annual tax is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the township.

(5) A tax, not exceeding two mills, to establish and maintain fire hydrants and fire hydrant water service.

(6) A tax to acquire, maintain and operate parks, playgrounds, playfields, gymnasiums, swimming pools and recreation centers.

(7) An annual tax sufficient to pay interest and principal on any indebtedness incurred under the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act."

(8) An annual tax, not exceeding one-half mill, to support ambulance and rescue squads serving the township. If an annual tax is proposed to be set higher than one-half mill, the question shall be submitted to the voters of the township, in which case the rate shall not exceed two mills.

(9) An annual tax, not exceeding five mills, to create and maintain a revolving fund to be used in making permanent street, sidewalk, water supply or sewer improvements before the collection of all or part of the cost from the property owners.

1 A revolving fund may also be used for the deposit of funds
2 raised through the issuance of general obligation bonds of the
3 township for the making of permanent street, sidewalk, water
4 supply or sewer improvements. When all or part of the cost of
5 the construction of any permanent street, sidewalk, water supply
6 or sewer improvement is paid from the revolving fund and is
7 later assessed and collected from the owners of the property
8 adjoining or abutting upon the improvement, the collections
9 shall be applied to the credit of the revolving fund to the
10 extent of the withdrawal therefrom for that purpose.

11 (10) An annual special tax, not exceeding two mills, to
12 create and accumulate moneys in a road equipment fund to be used
13 exclusively for purchasing road equipment.

14 (b) When it is shown to the court that the debts due by any
15 township exceed the amount which the board of supervisors may
16 collect in any year by taxation, the court, after ascertaining
17 the amount of indebtedness of the township, may, in an action of
18 mandamus, direct the board of supervisors, by special taxation,
19 to collect an amount sufficient to pay the debts. If the amount
20 of indebtedness is so large as to render it inadvisable to
21 collect the entire amount in any one year, the court may direct
22 the special taxes to be levied and collected during successive
23 years as may be required for payment of the debt.

24 Section 3206. Procedure for Referendum on Tax Questions.--
25 When the assent of the electors is required under this article
26 for special tax levies, the county board of elections shall
27 frame the question under the election laws of this Commonwealth
28 for submission to the voters of the township at the first
29 municipal or general election occurring not less than sixty days
30 after submission of the question.

1 Section 3207. Taxes for Special Districts.--This article
2 does not include the levy of any taxes upon particular districts
3 or parts of any township for particular purposes.

4 Section 3208. Tax Rate to be Expressed in Dollars and
5 Cents.--When the board of supervisors, by resolution,
6 establishes the rate of taxation for any year at a mill rate,
7 the resolution shall also include a statement expressing the
8 rate of taxation in dollars and cents on each one hundred
9 dollars (\$100) of assessed valuation of taxable property.

10 Section 3209. Tax Duplicates.--The board of supervisors
11 shall require a duplicate to be made designating the amount of
12 township tax levied against each taxpayer of the township, and
13 also duplicates for all other taxes levied and assessed under
14 this act, and deliver the duplicate within thirty days after the
15 adoption of the budget or within thirty days after receipt of
16 the assessment roll from the county, whichever is later, to the
17 township tax collector.

18 Section 3210. Additions and Revisions to Duplicates.--(a)
19 When there is any construction of a building or buildings not
20 otherwise exempt as a dwelling after the first day of January of
21 any year and the building is not included in the tax duplicate
22 of the township, the authority responsible for assessments in
23 the township shall, upon the request of the board of
24 supervisors, direct the assessor in the township to inspect and
25 reassess, subject to the right of appeal and adjustment by the
26 State law under which assessments are made, all taxable property
27 in the township to which major improvements have been made after
28 the first day of January of any year and to give notice of the
29 reassessments within ten days to the authority responsible for
30 assessments, the township and the property owner. The property

1 shall be added to the duplicate and is taxable for township
2 purposes at the reassessed valuation for that proportionate part
3 of the fiscal year of the township remaining after the property
4 was improved. Any improvement made during the month shall be
5 computed as having been made on the first day of the month. A
6 certified copy of the additions or revisions to the duplicate
7 shall be furnished by the board of supervisors to the township
8 tax collector, together with its warrant for collection of the
9 taxes, and within ten days the township tax collector shall
10 notify the owner of the property of the taxes due in the
11 township.

12 (b) When an assessment is made for a portion of a year, the
13 assessment shall be added to the duplicate of the following or
14 succeeding year unless the value of the improvements has already
15 been included in that duplicate.

16 ARTICLE XXXIII

17 COLLECTION OF ASSESSMENTS

18 Section 3301. Assessments Collected by Tax Collector.--(a)
19 When any assessment for street lights, fire hydrant service,
20 police protection or other service is implemented by the board
21 of supervisors and charged to the tax collector for collection,
22 assessments for the service shall be filed with the township tax
23 collector. The tax collector shall give thirty days' notice that
24 the assessments are due and payable. The notice shall state the
25 due date to each party assessed and be served by mailing notice
26 to the owner of the property. The tax collector is entitled to
27 the same commission for the collection of these assessments as
28 for the collection of the general township tax. If any
29 assessment remains unpaid ninety days after the due date, it
30 shall be turned over to the township solicitor for collection by

1 means of an action in assumpsit for recovery or a municipal lien
2 filed against the property of the delinquent owner for the
3 amount of the unpaid assessment, plus interest established by
4 the board of supervisors from the date the assessment was due.
5 If an owner has two or more lots against which there is an
6 assessment for the same year, the lots shall be embraced in one
7 claim. Assessments, when collected, shall be paid over to the
8 township treasurer, who shall deposit and keep them in a
9 separate account, to be paid out only for expenses incurred in
10 providing the service. Each special assessment account shall be
11 audited by the board of auditors of the township.

12 (b) When any assessment for refuse collection in special
13 districts or other service is charged against the owners,
14 occupants or tenants of property within the township, the
15 collection of which is charged to the tax collector, the
16 assessments for the service shall be filed with the tax
17 collector. The tax collector shall give thirty days' notice that
18 the assessments are due and payable. The notice shall state the
19 due date to each party assessed and be served by mailing to the
20 owner, occupant or tenant of the property. The tax collector is
21 entitled to the same commission for the collection of these
22 assessments as for the collection of the general township tax.
23 If any assessment remains unpaid ninety days after the due date,
24 it shall be turned over to the township solicitor for collection
25 by action in assumpsit for the amount of the unpaid assessment,
26 plus interest established by the board of supervisors from the
27 date the assessment was due and all costs incurred in the
28 collection of the assessment. Assessments, when collected, shall
29 be paid over to the township treasurer, who shall deposit and
30 keep them in a separate account, to be paid out only for

expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

Section 3302. Assessments Collected by Township Treasurer.--

(a) When any assessment for construction, maintenance and repair of street, sewer, water, sidewalks, curbs or other service is implemented by the board of supervisors, the collection of which is not charged to the tax collector, the assessments for the service shall be filed with the township treasurer. The township treasurer shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and shall be served by mailing it to the owner of the property. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Upon receipt of payment of assessments, the township treasurer shall deposit the assessments in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

(b) When any assessment for refuse collection or other service is charged against the owners, occupants or tenants of property within the township, the collection of which is not charged to the tax collector, the assessments shall be filed

1 with the township treasurer. The township treasurer shall give
2 thirty days' notice that the assessments are due and payable.
3 The notice shall state the due date to each party assessed and
4 be served by mailing it to the owner, occupant or tenant of the
5 property. If any assessment remains unpaid ninety days after the
6 due date, it shall be turned over to the township solicitor for
7 collection by action in assumpsit for the amount of the unpaid
8 assessment, plus interest established by the board of
9 supervisors from the date the assessment was due and all costs
10 incurred in the collection of the assessment. Upon receipt of
11 the assessments, the township treasurer shall deposit and keep
12 them in a separate account, to be paid out only for expenses
13 incurred in providing the service. Each special assessment
14 account shall be audited by the board of auditors of the
15 township.

16 Section 3303. Installment Payments.--(a) When any township
17 authorizes the construction or acquisition of any sanitary sewer
18 or system of sanitary sewers, or the improvement of any street
19 or portion thereof, or the installation of curbing or sidewalks,
20 or a water supply or water systems, and all or part of the cost
21 is assessed against the properties benefited, improved or
22 accommodated by the sewer or system of sewers, or curbing or
23 sidewalks, or water supply, or abutting upon the street or
24 portion thereof, the board of supervisors may authorize the
25 payment of the assessment in equal annual or more frequent
26 installments. The ordinance shall specify the length of time
27 over which the installments may be extended and whether payments
28 are to be made by annual or more frequent installments.
29 Installments shall bear interest at a rate not to exceed six
30 percent or an amount sufficient to cover the amount of interest

1 on the indebtedness, if any, commencing at the time established
2 by ordinance. If bonds have been issued and sold to provide for
3 the payment of any street improvement, the assessments shall not
4 be payable beyond the term for which the bonds are issued, and
5 the expenses for the improvements, and interest thereon to the
6 first day when interest is payable on the bonds, shall be taken
7 as the cost of the improvement to be assessed on the property
8 benefited.

9 (b) Claims to secure the assessments shall be entered in the
10 prothonotary's office of the county at the same time and in the
11 same form and shall be collected in the same manner as municipal
12 claims are filed and collected.

13 (c) Assessments are payable to the township treasurer in
14 quarterly, semi-annual or annual installments, with interest
15 from the date from which interest is computed on the amount of
16 the assessments.

17 (d) If there is a default in the payment of any installment
18 and interest for a period of sixty days after it becomes due,
19 the entire assessment and accrued interest shall become due, and
20 the township solicitor shall proceed to collect the assessment
21 under the general laws relating to the collection of municipal
22 claims.

23 (e) Any owner of property against whom any assessment is
24 made may pay the assessment in full, at any time, with interest
25 and costs thereon to the due date of the next installment, and
26 that payment shall discharge the lien.

27 ARTICLE XXXIV

28 EMINENT DOMAIN; ASSESSMENT OF

29 DAMAGES AND BENEFITS

30 Section 3401. Scope of Article.--When the right of eminent

1 domain or the ascertainment and assessment of damages and
2 benefits in viewer proceedings is exercised by a township, the
3 proceeding shall be as set forth in this article. In addition to
4 any of the provisions of this act, all eminent domain
5 proceedings shall conform to the act of June 22, 1964 (Sp.Sess.,
6 P.L.84, No.6), known as the "Eminent Domain Code."

7 Section 3402. Restrictions as to Certain Property.--In
8 addition to the restrictions made by other provisions of this
9 act in particular cases, no township shall exercise the right of
10 eminent domain against land now occupied by any building which
11 was used during the Colonial or Revolutionary period as a place
12 of Assembly by the Council of the Colony of Pennsylvania, the
13 Supreme Executive Council of the Commonwealth of Pennsylvania or
14 the Congress of the United States; or against the land occupied
15 by any fort, redoubt or blockhouse erected during the Colonial
16 or Revolutionary period or any building used as headquarters by
17 the Commander-in-Chief of the Continental Army; or against the
18 site of any building, fort, redoubt, blockhouse or headquarters,
19 which are preserved for their historic associations and not for
20 private profit. The Colonial and Revolutionary period is taken
21 as ended on September 3, 1783.

22 Section 3403. Value of Land or Property Not to be Assessed
23 as Benefits.--In the appropriation of land or property for
24 public use, other than for roads, it is not lawful to assess any
25 portion of the damage done to or value of the land or property
26 so appropriated against the other property adjoining or in the
27 vicinity of the land or property so appropriated.

28 Section 3404. Title Acquired.--When land or property is
29 taken under eminent domain proceedings, other than for road
30 purposes, or is acquired by gift, purchase or otherwise, the

1 title obtained by the township is in fee simple. In particular
2 instances, a different title may, by agreement, be acquired.

3 Section 3405. Assessment of Damages and Benefits.--The
4 damages may be paid in whole or in part by the township or may
5 be assessed in whole or in part upon the property benefited. In
6 the latter case, the viewers, having first determined the
7 damages apart from the benefits, shall assess the total cost of
8 the improvement, or so much thereof as may be just and
9 reasonable, upon the properties peculiarly benefited, including
10 in the assessment all parties for which damages have been
11 allowed, and shall report the findings to the court. The total
12 assessment for benefits shall not exceed the total damages
13 awarded or agreed upon.

14 Section 3406. Assessment Awards.--In proceedings to assess
15 damages and benefits, if the land or property is both benefited
16 and damaged by the improvements, the excess of damages over
17 benefits, or the excess of benefits over damages, or nothing if
18 the benefits and damages are equal, shall be awarded to or
19 assessed against the owner of land or property affected thereby.

20 Section 3407. Assessments to Bear Interest.--All assessments
21 for benefits and costs shall bear interest at six percent
22 annually from the expiration of thirty days after they have been
23 finally ascertained and shall be payable to the township
24 treasurer.

25 ARTICLE XXXV

26 VIOLATION OF ACT GENERALLY

27 Section 3501. Violation of Act Generally; Penalty.--Any
28 township supervisor, elected or appointed township official or
29 employe, roadmaster or contractor or any other person, including
30 any corporation officer or employe, who violates any of the

provisions of this act, other than those for which specific penalties are provided, or who fails to carry out the provisions of this act commits a summary offense. All fines collected for violation of this act shall be paid to the township treasurer and credited to the general township fund.

ARTICLE [XXI] XXXVI

ACTIONS BY [AND AGAINST] TOWNSHIPS

[Section 2106. Recovery of Municipal Claims.--In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, a township may proceed for the recovery and collection of any municipal claim by action of assumpsit against the person who was the owner of the property at the time of the completion of the improvement, notwithstanding the fact that there was a failure on the part of any such township, or its agents, to enter such municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought.

Any such action in assumpsit shall be commenced within three years after the completion of the improvement from which said claim arises.]

Section 3601. Recovery of Municipal Claims.--(a) In addition to the remedies under law for the filing of liens for the collection of municipal claims, a township may proceed for the recovery and collection of any municipal claim by action of assumpsit against the person who was the owner of the property when the improvement was completed, even if there was a failure on the part of the township or its agents to enter the municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought.

1 (b) Any action in assumpsit shall be commenced within three
2 years after the completion of the improvement from which the
3 claim arises.

4 ARTICLE [XXII] XXXVII

5 REPEALS

6 [Section 2201. Nothing contained in this act shall be
7 construed to revive any act, or part of any act, repealed by the
8 act reenacted, amended or revised by this act.

9 The following additional acts or parts of acts are hereby
10 repealed as respectively indicated.

11 The act, approved the first day of May, one thousand nine
12 hundred and thirteen (Pamphlet Laws 155, Number 104), entitled
13 "An act regulating the letting of certain contracts for the
14 erection, construction, and alteration of public buildings," so
15 far as it relates to townships of the second class.

16 The act, approved the tenth day of May, one thousand nine
17 hundred and twenty-three (Pamphlet Laws 198), entitled "An act
18 authorizing courts of quarter sessions to commit the care of
19 certain burial grounds to the councils of boroughs, township
20 commissioners and township supervisors of townships; and
21 requiring boroughs and townships to pay the expenses in
22 connection therewith," so far as it relates to townships of the
23 second class.

24 The act, approved the twenty-second day of June, one thousand
25 nine hundred and thirty-one (Pamphlet Laws 844), entitled "An
26 act authorizing the Commonwealth of Pennsylvania, or any
27 department or division thereof, and counties, cities, boroughs,
28 incorporated towns, townships, school districts and poor
29 districts to make contracts of life, health, and accident
30 policies for the benefit of employes thereof, and contracts for

1 pensions for such employes; and providing for the payment of the
2 cost thereof," so far as it relates to townships of the second
3 class.

4 The act, approved the twenty-second day of June, one thousand
5 nine hundred and thirty-one (Pamphlet Laws 845), entitled "An
6 act authorizing the publication of advertisements for bids for
7 public works, supplies or equipment in certain publications and
8 journals devoted to information about construction work," so far
9 as it relates to townships of the second class.

10 The act, approved the first day of May, one thousand nine
11 hundred and thirty-five (Pamphlet Laws 124, Number 47), entitled
12 "An act authorizing the insurance of deposits of funds, of this
13 Commonwealth and of the political subdivisions thereof, with the
14 Federal Deposit Insurance Corporation or other similar agency;
15 and prohibiting requiring further security for amounts so
16 insured," so far as it relates to townships of the second class.

17 The act, approved the eighteenth day of July, one thousand
18 nine hundred and thirty-five (Pamphlet Laws 1173), entitled "An
19 act to prohibit discrimination on account of race, creed or
20 color in employment under contracts for public buildings or
21 public works," so far as it relates to townships of the second
22 class.

23 The act, approved the sixteenth day of March, one thousand
24 nine hundred and thirty-seven (Pamphlet Laws 98), entitled "An
25 act authorizing political subdivisions to stipulate in
26 specifications, upon which contracts for the construction,
27 alteration or repairs of any public work or improvement are
28 entered into, the minimum wages to be paid to laborers and
29 mechanics, and providing for the stipulation of penalties in
30 such contracts where such minimum wage stipulations are

1 violated, and for the recovery of such penalties, and their
2 return in certain cases," so far as it relates to townships of
3 the second class.

4 The act, approved the first day of July, one thousand nine
5 hundred and thirty-seven (Pamphlet Laws 2624), entitled "An act
6 authorizing townships of the second class to adopt and enforce
7 zoning ordinances regulating the location, construction, and use
8 of buildings, the size of courts and open spaces, the density of
9 population, and the use of land," absolutely.

10 The act, approved the fifteenth day of May, one thousand nine
11 hundred and forty-five (Pamphlet Laws 538, Number 210), entitled
12 "An act relating to the liabilities of elected and appointed
13 officers of the various political subdivisions and limiting
14 surcharges to the actual financial loss sustained," so far as it
15 relates to townships of the second class.

16 It is the intention that this act shall furnish a complete
17 and exclusive system for the government and regulation of
18 townships except as to the several matters enumerated in section
19 one hundred and three of article one of this act.

20 All other acts and parts of acts inconsistent with this act
21 are repealed. This act shall not repeal or modify any of the
22 provisions of the Public Utility Law; nor any local or special
23 law; nor any law relating to the Board of Commissioners of
24 Navigation for the River Delaware, and its navigable
25 tributaries; nor the provisions of any law the enforcement of
26 which is vested in the Department of Health, the Sanitary Water
27 Board, the Department of Forests and Waters or the Water and
28 Power Resources Board; nor shall this act repeal or modify any
29 of the provisions of any act of Assembly amendatory of law in
30 force at the time of the passage of this act, or otherwise

1 adopted at the session of the General Assembly of one thousand
2 nine hundred and forty-seven, whether such acts were adopted
3 prior to the passage of this act, or shall be adopted subsequent
4 to the passage of this act; nor shall this act repeal any such
5 act, or part thereof, in force at the time of the passage of
6 this act which is amended by any act of Assembly adopted at the
7 session of the General Assembly of one thousand nine hundred and
8 forty-seven.]

9 Section 3701. Repeals.--(a) Nothing contained in this act
10 revives any act, or part of any act, repealed by the act
11 reenacted, amended or revised by this act.

12 (b) The following additional acts or parts of acts are
13 hereby repealed as respectively indicated:

14 Act of May 1, 1913 (P.L.155, No.104), entitled "An act
15 regulating the letting of certain contracts for the erection,
16 construction, and alteration of public buildings," insofar as it
17 relates to townships of the second class.

18 Act of May 10, 1923 (P.L.198, No.144), entitled "An act
19 authorizing courts of quarter sessions to commit the care of
20 certain burial grounds to the councils of boroughs, township
21 commissioners and township supervisors of townships; and
22 requiring boroughs and townships to pay the expenses in
23 connection therewith," insofar as it relates to townships of the
24 second class.

25 Act of June 22, 1931 (P.L.844, No.274), entitled, as amended,
26 "An act authorizing the Commonwealth of Pennsylvania, or any
27 department or division thereof, and counties, cities, boroughs,
28 incorporated towns, townships, school districts, vocational
29 school districts, and institution districts to make contracts of
30 life, health, hospitalization, medical services, and accident

policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," insofar as it relates to townships of the second class.

Act of May 1, 1935 (P.L.124, No.47), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," insofar as it relates to townships of the second class.

Act of July 18, 1935 (P.L.1173, No.382), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," insofar as it relates to townships of the second class.

Act of March 16, 1937 (P.L.98, No.26), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return in certain cases," insofar as it relates to townships of the second class.

(c) All other acts and parts of acts inconsistent with this act are repealed.

(d) This act does not repeal or modify any of the provisions of 66 Pa.C.S. (relating to public utilities); nor any local or special law; nor any law relating to the Board of Commissioners

1 of Navigation for the River Delaware and its navigable
2 tributaries; nor the provisions of any law the enforcement of
3 which is vested in the Department of Health or the Department of
4 Environmental Resources; nor does this act repeal or modify any
5 of the provisions of any statute amendatory of law in force at
6 the time of the passage of this act or otherwise enacted at the
7 session of the General Assembly of 1995, whether the acts were
8 adopted before the passage of this act or after the passage of
9 this act; nor does this act repeal any act, or part thereof, in
10 force at the time of the passage of this act which is amended by
11 any statute enacted at the session of the General Assembly of
12 1995.

13 Section 2. This act shall take effect July 1, 1995, or
14 immediately, whichever is later.

DERIVATION TABLE

3	YEAR S ACT P.L.	NEW CODE SEC.	OLD CODE SEC.
4	-----	-----	-----
5	1933-0-0103-0069	101	101
6	1933-0-0103-0069	102	102
7	1933-0-0103-0069	103	103
8	1933-0-0103-0069	104	104
9	1933-0-0103-0069	105	105
10	1933-0-0103-0069	106	106
11	1933-0-0103-0069	107	107
12	1933-0-0103-0069	108	108
13	1933-0-0103-0069	109	110
14	1933-0-0103-0069	201	201
15	1933-0-0103-0069	202	226
16	1933-0-0103-0069	203	230
17	1933-0-0103-0069	204	213
18	1933-0-0103-0069	205	235
19	1933-0-0103-0069	206	240
20	1933-0-0103-0069	207(a)	201A
21	1933-0-0103-0069	207(b)	202A
22	1933-0-0103-0069	207(c)	203A
23	1933-0-0103-0069	301	301
24	1933-0-0103-0069	302	302
25	1933-0-0103-0069	303	303
26	1933-0-0103-0069	304	304
27	1933-0-0103-0069	305	306
28	1933-0-0103-0069	306	307
29	1933-0-0103-0069	307	308
30	1933-0-0103-0069	401	401
31	1933-0-0103-0069	402(a)-(c)	402
32	1933-0-0103-0069	402(d)-(e)	new
33	1933-0-0103-0069	403	410
34	1933-0-0103-0069	404	411
35	1933-0-0103-0069	405(a)	412
36	1933-0-0103-0069	405(b)	413
37	1933-0-0103-0069	406	414
38	1933-0-0103-0069	407	420
39	1933-0-0103-0069	501	501
40	1933-0-0103-0069	502	502
41	1933-0-0103-0069	503	503
42	1933-0-0103-0069	601	510
43	1933-0-0103-0069	602	511
44	1933-0-0103-0069	603	512
45	1933-0-0103-0069	604	new
46	1933-0-0103-0069	605(a)	513
47	1933-0-0103-0069	605(b)	513.1
48	1933-0-0103-0069	605(c)	new
49	1933-0-0103-0069	606	515
50	1933-0-0103-0069	607(1)-(4)	516(a)-(h)
51	1933-0-0103-0069	607(5)	518
52	1933-0-0103-0069	607(6)	new
53	1933-0-0103-0069	607(7)	516(i)
54	1933-0-0103-0069	701	new
55	1933-0-0103-0069	702	530
56	1933-0-0103-0069	703	531
57	1933-0-0103-0069	704	532
58	1933-0-0103-0069	705	new
59	1933-0-0103-0069	706	533

1	1933-0-0103-0069	707	534
2	1933-0-0103-0069	708	535
3	1933-0-0103-0069	801	new
4	1933-0-0103-0069	802	540
5	1933-0-0103-0069	803	540
6	1933-0-0103-0069	804	543
7	1933-0-0103-0069	901	545
8	1933-0-0103-0069	902(a)	545
9	1933-0-0103-0069	902(b)-(c)	new
10	1933-0-0103-0069	903	546
11	1933-0-0103-0069	904	547
12	1933-0-0103-0069	905	549
13	1933-0-0103-0069	906	550
14	1933-0-0103-0069	907	551
15	1933-0-0103-0069	908	552
16	1933-0-0103-0069	909	553
17	1933-0-0103-0069	910	554
18	1933-0-0103-0069	911	556
19	1933-0-0103-0069	912	559
20	1933-0-0103-0069	913	560
21	1933-0-0103-0069	914	561
22	1933-0-0103-0069	915	563
23	1933-0-0103-0069	916	564
24	1933-0-0103-0069	917(a)	702 XLV
25	1933-0-0103-0069	917(b)	new
26	1933-0-0103-0069	917(c)	702 XLV
27	1933-0-0103-0069	917(d)	702 XLV.1
28	1933-0-0103-0069	1001	570
29	1933-0-0103-0069	1002	575
30	1933-0-0103-0069	1101	580
31	1933-0-0103-0069	1102	581
32	1933-0-0103-0069	1103	582
33	1933-0-0103-0069	1201	585
34	1933-0-0103-0069	1202	586
35	1933-0-0103-0069	1203	587
36	1933-0-0103-0069	1301	599.1
37	1933-0-0103-0069	1401(a)	601
38	1933-0-0103-0069	1401(b)-(c)	602
39	1933-0-0103-0069	1401(d)	603
40	1933-0-0103-0069	1401(e)	604
41	1933-0-0103-0069	1401(f)	611(a)
42	1933-0-0103-0069	1402(a)-(c)	610
43	1933-0-0103-0069	1402(d)	611(b)
44	1933-0-0103-0069	1402(e)-(f)	611(c)
45	1933-0-0103-0069	1402(g)	612
46	1933-0-0103-0069	1402(h)-(i)	610
47	1933-0-0103-0069	1501	701 I
48	1933-0-0103-0069	1502	701 II
49	1933-0-0103-0069	1503(a)-(b)	701 II
50	1933-0-0103-0069	1503(c)-(e)	new
51	1933-0-0103-0069	1503(f)	701 III
52	1933-0-0103-0069	1504	701 II
53	1933-0-0103-0069	1505	702 intro. par.
54	1933-0-0103-0069	1506	702 LXII
55	1933-0-0103-0069	1507	702 XL
56	1933-0-0103-0069	1508	702 LV
57	1933-0-0103-0069	1509	702 LXIII
58	1933-0-0103-0069	1510	702 XVIII
59	1933-0-0103-0069	1511	702 LIV

1	1933-0-0103-0069	1512	702	XIII
2	1933-0-0103-0069	1513	702	XLIV
3	1933-0-0103-0069	1514	702	XLII
4	1933-0-0103-0069	1515	702	LXIV
5	1933-0-0103-0069	1516	702	XXV
6	1933-0-0103-0069	1517	702	LI
7	1933-0-0103-0069	1518	702	LII
8	1933-0-0103-0069	1519	702	LIII
9	1933-0-0103-0069	1520	702	XXXVII
10	1933-0-0103-0069	1521	702	LXI
11	1933-0-0103-0069	1522	702	XXVII
12	1933-0-0103-0069	1523	702	LIX
13	1933-0-0103-0069	1524	702	LVII
14	1933-0-0103-0069	1525	702	LXV
15	1933-0-0103-0069	1526	702	LXIX
16	1933-0-0103-0069	1527	702	XLVII
17	1933-0-0103-0069	1528	702	XLVI
18	1933-0-0103-0069	1529	702	XII
19	1933-0-0103-0069	1530	702	XXXV
20	1933-0-0103-0069	1531	new	
21	1933-0-0103-0069	1532(a)(1)	702	XXXIX
22	1933-0-0103-0069	1532(a)(1)	1801	
23	1933-0-0103-0069	1532(a)(1)	1811	
24	1933-0-0103-0069	1532(a)(1)	1812	
25	1933-0-0103-0069	1532(a)(2)-(3)	new	
26	1933-0-0103-0069	1532(a)(4)	702	LVIII
27	1933-0-0103-0069	1532(b)	1802	
28	1933-0-0103-0069	1533	702	XII
29	1933-0-0103-0069	1534	702	XX
30	1933-0-0103-0069	1535	new	
31	1933-0-0103-0069	1536	702	XXVIII
32	1933-0-0103-0069	1537	702	XVII
33	1933-0-0103-0069	1538	702	XIX
34	1933-0-0103-0069	1539	702	LXVII
35	1933-0-0103-0069	1540	702	LXVIII
36	1933-0-0103-0069	1541	702	LX
37	1933-0-0103-0069	1542	702	LXVI
38	1933-0-0103-0069	1543	702	LVI
39	1933-0-0103-0069	1544	702	LXX
40	1933-0-0103-0069	1545	702	LXXIII
41	1933-0-0103-0069	1546	702	LXXV
42	1933-0-0103-0069	1547	new	
43	1933-0-0103-0069	1548	new	
44	1933-0-0103-0069	1549	703	
45	1933-0-0103-0069	1601(a)-(c)	702	XLI
46	1933-0-0103-0069	1601(d)	702	XLI.1
47	1933-0-0103-0069	1601(e)	702	XLI.2
48	1933-0-0103-0069	1601(f)	702	XLI
49	1933-0-0103-0069	1701	1702	
50	1933-0-0103-0069	1701	1704	
51	1933-0-0103-0069	1702	1707	
52	1933-0-0103-0069	1703	1706	
53	1933-0-0103-0069	1704	1703	
54	1933-0-0103-0069	1801	new	
55	1933-0-0103-0069	1802	702	III
56	1933-0-0103-0069	1803	702	IV
57	1933-0-0103-0069	1804	702	IV.1
58	1933-0-0103-0069	1805	702	XXXII
59	1933-0-0103-0069	1806	new	

1	1933-0-0103-0069	1901	590 A
2	1933-0-0103-0069	1902	590 B
3	1933-0-0103-0069	1903	590 C
4	1933-0-0103-0069	1904	new
5	1933-0-0103-0069	1905	591
6	1933-0-0103-0069	1906	592
7	1933-0-0103-0069	1907	593
8	1933-0-0103-0069	1908	702 XXXVI
9	1933-0-0103-0069	1909	594
10	1933-0-0103-0069	1910(a)-(b)	595
11	1933-0-0103-0069	1910(c)-(d)	596
12	1933-0-0103-0069	1910(e)	597
13	1933-0-0103-0069	1910(f)	598
14	1933-0-0103-0069	1910(g)	599
15	1933-0-0103-0069	1910(h)	new
16	1933-0-0103-0069	1911	702 XLIII
17	1933-0-0103-0069	1912	new
18	1933-0-0103-0069	1913	new
19	1933-0-0103-0069	1914	new
20	1933-0-0103-0069	1915(a)	599-A
21	1933-0-0103-0069	1915(b)	new
22	1933-0-0103-0069	2001	702 I
23	1933-0-0103-0069	2002	702 II.1
24	1933-0-0103-0069	2003	702 II.1
25	1933-0-0103-0069	2101	702 VIII
26	1933-0-0103-0069	2102	702 VIII
27	1933-0-0103-0069	2103	new
28	1933-0-0103-0069	2104	702 VIII
29	1933-0-0103-0069	2105	702 VIII
30	1933-0-0103-0069	2106	702 VIII
31	1933-0-0103-0069	2107	702 VIII
32	1933-0-0103-0069	2108	new
33	1933-0-0103-0069	2201	1901
34	1933-0-0103-0069	2202	new
35	1933-0-0103-0069	2203(a)-(b)	702 XXIII
36	1933-0-0103-0069	2203(c)	702 XXXIII
37	1933-0-0103-0069	2203(d)	702 LXXIV
38	1933-0-0103-0069	2204(a)	1902
39	1933-0-0103-0069	2204(b)	1903
40	1933-0-0103-0069	2204(c)	1904
41	1933-0-0103-0069	2205	1905
42	1933-0-0103-0069	2206	1907
43	1933-0-0103-0069	2207(a)	1908
44	1933-0-0103-0069	2207(b)	1910
45	1933-0-0103-0069	2207(c)	1912
46	1933-0-0103-0069	2207(d)	1913
47	1933-0-0103-0069	2207(e)	1914
48	1933-0-0103-0069	2207(f)	1915
49	1933-0-0103-0069	2207(g)	1917
50	1933-0-0103-0069	2301(a)	1301
51	1933-0-0103-0069	2301(a)-(c)	702 X
52	1933-0-0103-0069	2301(d)	new
53	1933-0-0103-0069	2301(e)	514
54	1933-0-0103-0069	2302	516(j)-(m)
55	1933-0-0103-0069	2303	504
56	1933-0-0103-0069	2304	1101
57	1933-0-0103-0069	2305	1102
58	1933-0-0103-0069	2306	1103
59	1933-0-0103-0069	2307	1105

1	1933-0-0103-0069	2308	1110
2	1933-0-0103-0069	2309	1111
3	1933-0-0103-0069	2310	1112
4	1933-0-0103-0069	2311	1115
5	1933-0-0103-0069	2312	1120
6	1933-0-0103-0069	2312	1125
7	1933-0-0103-0069	2313(a)	1130
8	1933-0-0103-0069	2313(b)	1131
9	1933-0-0103-0069	2313(c)	1133
10	1933-0-0103-0069	2314(a)	1135
11	1933-0-0103-0069	2314(b)	1136
12	1933-0-0103-0069	2314(c)	1137
13	1933-0-0103-0069	2314(d)	1138
14	1933-0-0103-0069	2315	new
15	1933-0-0103-0069	2316(a)	1140
16	1933-0-0103-0069	2316(b)-(c)	1147
17	1933-0-0103-0069	2317(a)	1140.1
18	1933-0-0103-0069	2317(b)-(d)	1141
19	1933-0-0103-0069	2317(e)	1142
20	1933-0-0103-0069	2317(f)	1144
21	1933-0-0103-0069	2317(g)	1145
22	1933-0-0103-0069	2318	1143
23	1933-0-0103-0069	2319	1146
24	1933-0-0103-0069	2320	1152
25	1933-0-0103-0069	2321	1155
26	1933-0-0103-0069	2322	1156
27	1933-0-0103-0069	2323	1161
28	1933-0-0103-0069	2324	1165
29	1933-0-0103-0069	2325(a)	1175
30	1933-0-0103-0069	2325(b)	1177
31	1933-0-0103-0069	2325(c)	1178
32	1933-0-0103-0069	2325(d)	1179
33	1933-0-0103-0069	2325(e)	1180
34	1933-0-0103-0069	2326	1185
35	1933-0-0103-0069	2327	702 IX
36	1933-0-0103-0069	2328	702 XXIV
37	1933-0-0103-0069	2329	702 XXXVII
38	1933-0-0103-0069	2330	702 XXXVIII
39	1933-0-0103-0069	2331	1310
40	1933-0-0103-0069	2332	1201
41	1933-0-0103-0069	2332	1202
42	1933-0-0103-0069	2332	1205
43	1933-0-0103-0069	2332	1210
44	1933-0-0103-0069	2332	1215
45	1933-0-0103-0069	2332	1220
46	1933-0-0103-0069	2332	1225
47	1933-0-0103-0069	2332	1230
48	1933-0-0103-0069	2401(a)-(b)	1403
49	1933-0-0103-0069	2401(c)(1)	1401
50	1933-0-0103-0069	2401(c)(2)-(3)	1402
51	1933-0-0103-0069	2401(c)(4)	1404
52	1933-0-0103-0069	2401(d)	new
53	1933-0-0103-0069	2501	1501
54	1933-0-0103-0069	2502	1501
55	1933-0-0103-0069	2502	1501.1
56	1933-0-0103-0069	2503	1502
57	1933-0-0103-0069	2504	1505
58	1933-0-0103-0069	2505	1504
59	1933-0-0103-0069	2506	1507

1	1933-0-0103-0069	2507	1508
2	1933-0-0103-0069	2508	1509
3	1933-0-0103-0069	2509	1510
4	1933-0-0103-0069	2510	1511
5	1933-0-0103-0069	2511	1512
6	1933-0-0103-0069	2512	1525
7	1933-0-0103-0069	2513	1530
8	1933-0-0103-0069	2514	1531
9	1933-0-0103-0069	2515	1535
10	1933-0-0103-0069	2516	1540
11	1933-0-0103-0069	2517	1541
12	1933-0-0103-0069	2601	1601
13	1933-0-0103-0069	2602	1602
14	1933-0-0103-0069	2603	1602.1
15	1933-0-0103-0069	2604	1603
16	1933-0-0103-0069	2605	1604
17	1933-0-0103-0069	2606	1605
18	1933-0-0103-0069	2607	1606
19	1933-0-0103-0069	2608	1607
20	1933-0-0103-0069	2609	1608
21	1933-0-0103-0069	2610	new
22	1933-0-0103-0069	2611	1609
23	1933-0-0103-0069	2612	1610
24	1933-0-0103-0069	2613	1611
25	1933-0-0103-0069	2614	1612
26	1933-0-0103-0069	2701	new
27	1933-0-0103-0069	2702	new
28	1933-0-0103-0069	2703	new
29	1933-0-0103-0069	2704	new
30	1933-0-0103-0069	2801	1601-A
31	1933-0-0103-0069	2802	1602-A
32	1933-0-0103-0069	2803	1603-A
33	1933-0-0103-0069	2804	1604-A
34	1933-0-0103-0069	2805	1605-A
35	1933-0-0103-0069	2806	1606-A
36	1933-0-0103-0069	2901	1901-B
37	1933-0-0103-0069	2902	1902-B
38	1933-0-0103-0069	2903	1903-B
39	1933-0-0103-0069	2904	1904-B
40	1933-0-0103-0069	2905	1905-B
41	1933-0-0103-0069	2906	1906-B
42	1933-0-0103-0069	2907	1907-B
43	1933-0-0103-0069	2908	1909-B
44	1933-0-0103-0069	2909	1910-B
45	1933-0-0103-0069	2910	1911-B
46	1933-0-0103-0069	3001	1901-A.1
47	1933-0-0103-0069	3002	1902-A
48	1933-0-0103-0069	3003	1903-A
49	1933-0-0103-0069	3004	1904-A
50	1933-0-0103-0069	3005	1905-A
51	1933-0-0103-0069	3006	1906-A
52	1933-0-0103-0069	3007	1907-A
53	1933-0-0103-0069	3008	1908-A.1
54	1933-0-0103-0069	3009	1909-A.1
55	1933-0-0103-0069	3010	1910-A
56	1933-0-0103-0069	3101	801
57	1933-0-0103-0069	3102	802
58	1933-0-0103-0069	3102(i)	520
59	1933-0-0103-0069	3103	517

1	1933-0-0103-0069	3104	802.1
2	1933-0-0103-0069	3105	803
3	1933-0-0103-0069	3106	803.1
4	1933-0-0103-0069	3107	804
5	1933-0-0103-0069	3108	805
6	1933-0-0103-0069	3109	806
7	1933-0-0103-0069	3201	901
8	1933-0-0103-0069	3202(a)-(c)	902 A
9	1933-0-0103-0069	3202(d)	902.2
10	1933-0-0103-0069	3202(e)-(f)	902 A
11	1933-0-0103-0069	3203	902 B
12	1933-0-0103-0069	3204	902.1
13	1933-0-0103-0069	3205(a)(1)-(8)	905 A
14	1933-0-0103-0069	3205(a)(9)	910
15	1933-0-0103-0069	3205(a)(9)	911
16	1933-0-0103-0069	3205(a)(10)	912
17	1933-0-0103-0069	3205(b)	907
18	1933-0-0103-0069	3206	905 B
19	1933-0-0103-0069	3207	905 C
20	1933-0-0103-0069	3208	906
21	1933-0-0103-0069	3209	909
22	1933-0-0103-0069	3210	905.1
23	1933-0-0103-0069	3301	new
24	1933-0-0103-0069	3302	new
25	1933-0-0103-0069	3303(a)	1501-A
26	1933-0-0103-0069	3303(b)	1502-A
27	1933-0-0103-0069	3303(c)	1503-A
28	1933-0-0103-0069	3303(d)	1504-A
29	1933-0-0103-0069	3303(e)	1505-A
30	1933-0-0103-0069	3401	1001
31	1933-0-0103-0069	3402	1002
32	1933-0-0103-0069	3403	1006
33	1933-0-0103-0069	3404	1016
34	1933-0-0103-0069	3405	1024
35	1933-0-0103-0069	3406	1025
36	1933-0-0103-0069	3407	1052
37	1933-0-0103-0069	3501	521
38	1933-0-0103-0069	3601	2106
39	1933-0-0103-0069	3701	2201

DISPOSITION TABLE

2	YEAR S ACT P.L.	OLD CODE SEC.	NEW CODE SEC.
3	-----	-----	-----
4	1933-0-0103-0069	101	101
5	1933-0-0103-0069	102	102
6	1933-0-0103-0069	103	103
7	1933-0-0103-0069	104	104
8	1933-0-0103-0069	105	105
9	1933-0-0103-0069	106	106
10	1933-0-0103-0069	107	107
11	1933-0-0103-0069	108	108
12	1933-0-0103-0069	109	Repealed
13	1933-0-0103-0069	110	109
14	1933-0-0103-0069	201	201
15	1933-0-0103-0069	225	Repealed
16	1933-0-0103-0069	226	202
17	1933-0-0103-0069	230	203
18	1933-0-0103-0069	235	205
19	1933-0-0103-0069	240	206
20	1933-0-0103-0069	201A	207(a)
21	1933-0-0103-0069	202A	207(b)
22	1933-0-0103-0069	203A	207(c)
23	1933-0-0103-0069	301	301
24	1933-0-0103-0069	302	302
25	1933-0-0103-0069	303	303
26	1933-0-0103-0069	304	304
27	1933-0-0103-0069	305	Repealed
28	1933-0-0103-0069	306	305
29	1933-0-0103-0069	307	306
30	1933-0-0103-0069	308	307
31	1933-0-0103-0069	401	401
32	1933-0-0103-0069	402	402(a)-(c)
33	1933-0-0103-0069	410	403
34	1933-0-0103-0069	411	404
35	1933-0-0103-0069	412	405(a)
36	1933-0-0103-0069	413	405(b)
37	1933-0-0103-0069	414	406
38	1933-0-0103-0069	420	407
39	1933-0-0103-0069	501	501
40	1933-0-0103-0069	502	502
41	1933-0-0103-0069	503	503
42	1933-0-0103-0069	504	2303
43	1933-0-0103-0069	510	601
44	1933-0-0103-0069	511	602
45	1933-0-0103-0069	512	603
46	1933-0-0103-0069	513	605(a)
47	1933-0-0103-0069	513.1	605(b)
48	1933-0-0103-0069	514	2301(e)
49	1933-0-0103-0069	515	606
50	1933-0-0103-0069	516(a)-(h)	607(1)-(4)
51	1933-0-0103-0069	516(i)	607(7)
52	1933-0-0103-0069	516(j)-(m)	2302
53	1933-0-0103-0069	517	3103
54	1933-0-0103-0069	518	607(5)
55	1933-0-0103-0069	519	Repealed
56	1933-0-0103-0069	520	3102(i)
57	1933-0-0103-0069	521	3501
58	1933-0-0103-0069	530	702

1	1933-0-0103-0069	531	703
2	1933-0-0103-0069	532	704
3	1933-0-0103-0069	533	706
4	1933-0-0103-0069	534	707
5	1933-0-0103-0069	535	708
6	1933-0-0103-0069	540	802
7	1933-0-0103-0069	540	803
8	1933-0-0103-0069	543	804
9	1933-0-0103-0069	545	901
10	1933-0-0103-0069	545	902(a)
11	1933-0-0103-0069	546	903
12	1933-0-0103-0069	547	904
13	1933-0-0103-0069	548	Repealed
14	1933-0-0103-0069	549	905
15	1933-0-0103-0069	550	906
16	1933-0-0103-0069	551	907
17	1933-0-0103-0069	552	908
18	1933-0-0103-0069	553	909
19	1933-0-0103-0069	554	910
20	1933-0-0103-0069	556	911
21	1933-0-0103-0069	557	Repealed
22	1933-0-0103-0069	558	Repealed
23	1933-0-0103-0069	559	912
24	1933-0-0103-0069	560	913
25	1933-0-0103-0069	561	914
26	1933-0-0103-0069	562	Repealed
27	1933-0-0103-0069	563	915
28	1933-0-0103-0069	564	916
29	1933-0-0103-0069	570	1001
30	1933-0-0103-0069	575	1002
31	1933-0-0103-0069	580	1101
32	1933-0-0103-0069	581	1102
33	1933-0-0103-0069	582	1103
34	1933-0-0103-0069	585	1201
35	1933-0-0103-0069	586	1202
36	1933-0-0103-0069	587	1203
37	1933-0-0103-0069	590 A	1901
38	1933-0-0103-0069	590 B	1902
39	1933-0-0103-0069	590 C	1903
40	1933-0-0103-0069	591	1905
41	1933-0-0103-0069	592	1906
42	1933-0-0103-0069	593	1907
43	1933-0-0103-0069	594	1909
44	1933-0-0103-0069	595	1910(a)-(b)
45	1933-0-0103-0069	596	1910(c)-(d)
46	1933-0-0103-0069	597	1910(e)
47	1933-0-0103-0069	598	1910(f)
48	1933-0-0103-0069	599	1910(g)
49	1933-0-0103-0069	599-A	1915(a)
50	1933-0-0103-0069	599.1	1301
51	1933-0-0103-0069	601	1401(a)
52	1933-0-0103-0069	602	1401(b)-(c)
53	1933-0-0103-0069	603	1401(d)
54	1933-0-0103-0069	604	1401(e)
55	1933-0-0103-0069	610	1402(a)-(c)
56	1933-0-0103-0069	610	1402(h)-(i)
57	1933-0-0103-0069	611(a)	1401(f)
58	1933-0-0103-0069	611(b)	1402(d)
59	1933-0-0103-0069	611(c)	1402(e)-(f)

1	1933-0-0103-0069	612	1402(g)
2	1933-0-0103-0069	701 I	1501
3	1933-0-0103-0069	701 II	1502
4	1933-0-0103-0069	701 II	1503(a)-(b)
5	1933-0-0103-0069	701 II	1504
6	1933-0-0103-0069	701 III	1503(f)
7	1933-0-0103-0069	702 intro. par.	1505
8	1933-0-0103-0069	702 I	2001
9	1933-0-0103-0069	702 II.1	2002
10	1933-0-0103-0069	702 II.1	2003
11	1933-0-0103-0069	702 III	1802
12	1933-0-0103-0069	702 IV	1803
13	1933-0-0103-0069	702 IV.1	1804
14	1933-0-0103-0069	702 V	Repealed
15	1933-0-0103-0069	702 VI	Repealed
16	1933-0-0103-0069	702 VII	Repealed
17	1933-0-0103-0069	702 VIII	2101
18	1933-0-0103-0069	702 VIII	2102
19	1933-0-0103-0069	702 VIII	2104
20	1933-0-0103-0069	702 VIII	2105
21	1933-0-0103-0069	702 VIII	2106
22	1933-0-0103-0069	702 VIII	2107
23	1933-0-0103-0069	702 IX	2327
24	1933-0-0103-0069	702 X	2301(a)-(c)
25	1933-0-0103-0069	702 XI	Repealed
26	1933-0-0103-0069	702 XII	1529
27	1933-0-0103-0069	702 XII	1533
28	1933-0-0103-0069	702 XIII	1512
29	1933-0-0103-0069	702 XIV	Repealed
30	1933-0-0103-0069	702 XV	Repealed
31	1933-0-0103-0069	702 XVI	Repealed
32	1933-0-0103-0069	702 XVII	1537
33	1933-0-0103-0069	702 XVIII	1510
34	1933-0-0103-0069	702 XIX	1538
35	1933-0-0103-0069	702 XX	1534
36	1933-0-0103-0069	702 XXI	Repealed
37	1933-0-0103-0069	702 XXII	Repealed
38	1933-0-0103-0069	702 XXIII	2203(a)-(b)
39	1933-0-0103-0069	702 XXIV	2328
40	1933-0-0103-0069	702 XXV	1516
41	1933-0-0103-0069	702 XXVI	Repealed
42	1933-0-0103-0069	702 XXVII	1522
43	1933-0-0103-0069	702 XXVIII	1536
44	1933-0-0103-0069	702 XXIX	Repealed
45	1933-0-0103-0069	702 XXX	Repealed
46	1933-0-0103-0069	702 XXXI	Repealed
47	1933-0-0103-0069	702 XXXII	1805
48	1933-0-0103-0069	702 XXXIII	2203(c)
49	1933-0-0103-0069	702 XXXIV	Repealed
50	1933-0-0103-0069	702 XXXV	1530
51	1933-0-0103-0069	702 XXXVI	1908
52	1933-0-0103-0069	702 XXXVII	1520
53	1933-0-0103-0069	702 XXXVII	2329
54	1933-0-0103-0069	702 XXXVIII	2330
55	1933-0-0103-0069	702 XXXIX	1532(a)(1)
56	1933-0-0103-0069	702 XL	1507
57	1933-0-0103-0069	702 XLI	1601(a)-(c)
58	1933-0-0103-0069	702 XLI	1601(f)
59	1933-0-0103-0069	702 XLI.1	1601(d)

1	1933-0-0103-0069	702 XLI.2	1601(e)
2	1933-0-0103-0069	702 XLII	1514
3	1933-0-0103-0069	702 XLIII	1911
4	1933-0-0103-0069	702 XLIV	1513
5	1933-0-0103-0069	702 XLV	917(a)
6	1933-0-0103-0069	702 XLV	917(c)
7	1933-0-0103-0069	702 XLV.1	917(d)
8	1933-0-0103-0069	702 XLVI	1528
9	1933-0-0103-0069	702 XLVII	1527
10	1933-0-0103-0069	702 XLVIII	Repealed
11	1933-0-0103-0069	702 XLIX	Repealed
12	1933-0-0103-0069	702 L	Repealed
13	1933-0-0103-0069	702 LI	1517
14	1933-0-0103-0069	702 LII	1518
15	1933-0-0103-0069	702 LIII	1519
16	1933-0-0103-0069	702 LIV	1511
17	1933-0-0103-0069	702 LV	1508
18	1933-0-0103-0069	702 LVI	1543
19	1933-0-0103-0069	702 LVII	1524
20	1933-0-0103-0069	702 LVIII	1532(a)(4)
21	1933-0-0103-0069	702 LIX	1523
22	1933-0-0103-0069	702 LX	1541
23	1933-0-0103-0069	702 LXI	1521
24	1933-0-0103-0069	702 LXII	1506
25	1933-0-0103-0069	702 LXIII	1509
26	1933-0-0103-0069	702 LXIV	1515
27	1933-0-0103-0069	702 LXV	1525
28	1933-0-0103-0069	702 LXVI	1542
29	1933-0-0103-0069	702 LXVII	1539
30	1933-0-0103-0069	702 LXVIII	1540
31	1933-0-0103-0069	702 LXIX	1526
32	1933-0-0103-0069	702 LXX	1544
33	1933-0-0103-0069	702 LXXI	Repealed
34	1933-0-0103-0069	702 LXXII	Repealed
35	1933-0-0103-0069	702 LXXIII	1545
36	1933-0-0103-0069	702 LXXIV	2203(d)
37	1933-0-0103-0069	702 LXXV	1546
38	1933-0-0103-0069	703	1549
39	1933-0-0103-0069	801	3101
40	1933-0-0103-0069	802	3102
41	1933-0-0103-0069	802.1	3104
42	1933-0-0103-0069	803	3105
43	1933-0-0103-0069	803.1	3106
44	1933-0-0103-0069	804	3107
45	1933-0-0103-0069	805	3108
46	1933-0-0103-0069	806	3109
47	1933-0-0103-0069	807	Repealed
48	1933-0-0103-0069	808	Repealed
49	1933-0-0103-0069	901	3201
50	1933-0-0103-0069	902 A	3202(a)-(c)
51	1933-0-0103-0069	902 A	3202(e)-(f)
52	1933-0-0103-0069	902 B	3203
53	1933-0-0103-0069	902.1	3204
54	1933-0-0103-0069	902.2	3202(d)
55	1933-0-0103-0069	903	Repealed
56	1933-0-0103-0069	904	Repealed
57	1933-0-0103-0069	905 A	3205(a)(1)-(8)
58	1933-0-0103-0069	905 B	3206
59	1933-0-0103-0069	905 C	3207

1	1933-0-0103-0069	905 D	Repealed
2	1933-0-0103-0069	905.1	3210
3	1933-0-0103-0069	906	3208
4	1933-0-0103-0069	907	3205(b)
5	1933-0-0103-0069	908	Repealed
6	1933-0-0103-0069	909	3209
7	1933-0-0103-0069	910	3205(a)(9)
8	1933-0-0103-0069	911	3205(a)(9)
9	1933-0-0103-0069	912	3205(a)(10)
10	1933-0-0103-0069	1001	3401
11	1933-0-0103-0069	1002	3402
12	1933-0-0103-0069	1006	3403
13	1933-0-0103-0069	1016	3404
14	1933-0-0103-0069	1024	3405
15	1933-0-0103-0069	1025	3406
16	1933-0-0103-0069	1052	3407
17	1933-0-0103-0069	1101	2304
18	1933-0-0103-0069	1102	2305
19	1933-0-0103-0069	1103	2306
20	1933-0-0103-0069	1104	Repealed
21	1933-0-0103-0069	1105	2307
22	1933-0-0103-0069	1110	2308
23	1933-0-0103-0069	1111	2309
24	1933-0-0103-0069	1112	2310
25	1933-0-0103-0069	1115	2311
26	1933-0-0103-0069	1120	2312
27	1933-0-0103-0069	1125	2312
28	1933-0-0103-0069	1130	2313(a)
29	1933-0-0103-0069	1131	2313(b)
30	1933-0-0103-0069	1132	Repealed
31	1933-0-0103-0069	1133	2313(c)
32	1933-0-0103-0069	1135	2314(a)
33	1933-0-0103-0069	1136	2314(b)
34	1933-0-0103-0069	1137	2314(c)
35	1933-0-0103-0069	1138	2314(d)
36	1933-0-0103-0069	1140	2316(a)
37	1933-0-0103-0069	1140.1	2317(a)
38	1933-0-0103-0069	1141	2317(b)-(d)
39	1933-0-0103-0069	1142	2317(e)
40	1933-0-0103-0069	1143	2318
41	1933-0-0103-0069	1144	2317(f)
42	1933-0-0103-0069	1145	2317(g)
43	1933-0-0103-0069	1146	2319
44	1933-0-0103-0069	1147	2316(b)-(c)
45	1933-0-0103-0069	1148	Repealed
46	1933-0-0103-0069	1150	Repealed
47	1933-0-0103-0069	1151	Repealed
48	1933-0-0103-0069	1152	2320
49	1933-0-0103-0069	1155	2321
50	1933-0-0103-0069	1156	2322
51	1933-0-0103-0069	1160	Repealed
52	1933-0-0103-0069	1161	2323
53	1933-0-0103-0069	1165	2324
54	1933-0-0103-0069	1170	Repealed
55	1933-0-0103-0069	1175	2325(a)
56	1933-0-0103-0069	1177	2325(b)
57	1933-0-0103-0069	1178	2325(c)
58	1933-0-0103-0069	1179	2325(d)
59	1933-0-0103-0069	1180	2325(e)

1	1933-0-0103-0069	1185	2326
2	1933-0-0103-0069	1201	2332
3	1933-0-0103-0069	1202	2332
4	1933-0-0103-0069	1205	2332
5	1933-0-0103-0069	1210	2332
6	1933-0-0103-0069	1215	2332
7	1933-0-0103-0069	1220	2332
8	1933-0-0103-0069	1225	2332
9	1933-0-0103-0069	1230	2332
10	1933-0-0103-0069	1301	2301(a)
11	1933-0-0103-0069	1302	Repealed
12	1933-0-0103-0069	1303	Repealed
13	1933-0-0103-0069	1305	Repealed
14	1933-0-0103-0069	1310	2331
15	1933-0-0103-0069	1401	2401(c)(1)
16	1933-0-0103-0069	1402	2401(c)(2)-(3)
17	1933-0-0103-0069	1403	2401(a)-(b)
18	1933-0-0103-0069	1404	2401(c)(4)
19	1933-0-0103-0069	1501	2501
20	1933-0-0103-0069	1501	2502
21	1933-0-0103-0069	1501.1	2502
22	1933-0-0103-0069	1502	2503
23	1933-0-0103-0069	1503	Repealed
24	1933-0-0103-0069	1504	2505
25	1933-0-0103-0069	1505	2504
26	1933-0-0103-0069	1507	2506
27	1933-0-0103-0069	1508	2507
28	1933-0-0103-0069	1509	2508
29	1933-0-0103-0069	1510	2509
30	1933-0-0103-0069	1511	2510
31	1933-0-0103-0069	1512	2511
32	1933-0-0103-0069	1525	2512
33	1933-0-0103-0069	1526	Repealed
34	1933-0-0103-0069	1530	2513
35	1933-0-0103-0069	1531	2514
36	1933-0-0103-0069	1535	2515
37	1933-0-0103-0069	1540	2516
38	1933-0-0103-0069	1541	2517
39	1933-0-0103-0069	1501-A	3303(a)
40	1933-0-0103-0069	1502-A	3303(b)
41	1933-0-0103-0069	1503-A	3303(c)
42	1933-0-0103-0069	1504-A	3303(d)
43	1933-0-0103-0069	1505-A	3303(e)
44	1933-0-0103-0069	1601	2601
45	1933-0-0103-0069	1602	2602
46	1933-0-0103-0069	1602.1	2603
47	1933-0-0103-0069	1602.2	Repealed
48	1933-0-0103-0069	1602.3	Repealed
49	1933-0-0103-0069	1602.4	Repealed
50	1933-0-0103-0069	1602.5	Repealed
51	1933-0-0103-0069	1603	2604
52	1933-0-0103-0069	1604	2605
53	1933-0-0103-0069	1605	2606
54	1933-0-0103-0069	1606	2607
55	1933-0-0103-0069	1607	2608
56	1933-0-0103-0069	1608	2609
57	1933-0-0103-0069	1609	2611
58	1933-0-0103-0069	1610	2612
59	1933-0-0103-0069	1611	2613

1	1933-0-0103-0069	1612	2614
2	1933-0-0103-0069	1601-A	2801
3	1933-0-0103-0069	1602-A	2802
4	1933-0-0103-0069	1603-A	2803
5	1933-0-0103-0069	1604-A	2804
6	1933-0-0103-0069	1605-A	2805
7	1933-0-0103-0069	1606-A	2806
8	1933-0-0103-0069	1702	1701
9	1933-0-0103-0069	1703	1704
10	1933-0-0103-0069	1704	1701
11	1933-0-0103-0069	1705	Repealed
12	1933-0-0103-0069	1706	1703
13	1933-0-0103-0069	1707	1702
14	1933-0-0103-0069	1801	1532(a)(1)
15	1933-0-0103-0069	1802	1532(b)
16	1933-0-0103-0069	1811	1532(a)(1)
17	1933-0-0103-0069	1812	1532(a)(1)
18	1933-0-0103-0069	1813	Repealed
19	1933-0-0103-0069	1901	2201
20	1933-0-0103-0069	1902	2204(a)
21	1933-0-0103-0069	1903	2204(b)
22	1933-0-0103-0069	1904	2204(c)
23	1933-0-0103-0069	1905	2205
24	1933-0-0103-0069	1906	Repealed
25	1933-0-0103-0069	1907	2206
26	1933-0-0103-0069	1908	2207(a)
27	1933-0-0103-0069	1909	Repealed
28	1933-0-0103-0069	1910	2207(b)
29	1933-0-0103-0069	1911	Repealed
30	1933-0-0103-0069	1912	2207(c)
31	1933-0-0103-0069	1913	2207(d)
32	1933-0-0103-0069	1914	2207(e)
33	1933-0-0103-0069	1915	2207(f)
34	1933-0-0103-0069	1916	Repealed
35	1933-0-0103-0069	1917	2207(g)
36	1933-0-0103-0069	1901-A.1	3001
37	1933-0-0103-0069	1902-A	3002
38	1933-0-0103-0069	1903-A	3003
39	1933-0-0103-0069	1904-A	3004
40	1933-0-0103-0069	1905-A	3005
41	1933-0-0103-0069	1906-A	3006
42	1933-0-0103-0069	1907-A	3007
43	1933-0-0103-0069	1908-A.1	3008
44	1933-0-0103-0069	1909-A.1	3009
45	1933-0-0103-0069	1910-A	3010
46	1933-0-0103-0069	1901-B	2901
47	1933-0-0103-0069	1902-B	2902
48	1933-0-0103-0069	1903-B	2903
49	1933-0-0103-0069	1904-B	2904
50	1933-0-0103-0069	1905-B	2905
51	1933-0-0103-0069	1906-B	2906
52	1933-0-0103-0069	1907-B	2907
53	1933-0-0103-0069	1908-B	Repealed
54	1933-0-0103-0069	1909-B	2908
55	1933-0-0103-0069	1910-B	2909
56	1933-0-0103-0069	1911-B	2910
57	1933-0-0103-0069	2106	3601
58	1933-0-0103-0069	2201	3701